National Library
of Canada

Bibliothèque nationale
du Canada

Acquisitions and
Bibliographic Services Branch

Direction des acquisitions et
des services bibliographiques

395 Wellington Street
Ottawa, Ontario
K1A 0N4

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file Votre référence

Our file Notre référence

NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.

AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.

Canada

UNIVERSITY OF ALBERTA

CONSTRUCTING JUSTICE:
FAULKNER AND LAW

BY

MICHAEL E. LAHEY ©

A thesis
submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy

DEPARTMENT OF ENGLISH

Edmonton, Alberta
Spring 1996

National Library of Canada
Acquisitions and Bibliographic Services Branch
395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale du Canada
Direction des acquisitions et des services bibliographiques
395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file Votre référence

Our file Notre référence

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-612-10605-5

Canadä

UNIVERSITY OF ALBERTA

LIBRARY RELEASE FORM

NAME OF AUTHOR: Michael E. Lahey

TITLE OF THESIS: Constructing Justice: Faulkner and Law

DEGREE: Doctor of Philosophy

YEAR THIS DEGREE GRANTED: 1996

Permission is hereby granted to the University of Alberta Library to reproduce single copies of this thesis and to lend or sell such copies for private, scholarly, or scientific research purposes only.

The author reserves all other publication and other rights in association with the copyright in the thesis, and except as hereinbefore provided, neither the thesis nor any substantial portion thereof may be printed or otherwise reproduced in any material form whatever without the author's prior written permission.

Michael E. Lahey

10621 - 79th Avenue, Apt. #302
Edmonton, Alberta
T6G 1S2

Date Jan. 29, 1996

UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled "Constructing Justice: Faulkner and Law" submitted by Michael Edward Lahey in partial fulfilment of the requirements for the degree of Doctor of Philosophy.

Mary Megan Chap
Professor Mary Chapman, Co-supervisor

Professor Lynn Penrod, Co-supervisor

Professor C.R.B. Dunlop

Professor James Marino

Debby Thomp
Professor Debby Thompson

Professor Martin Kreiswirth

January 10, 1996

25 AUG 1995

August 8, 1995

Women's Studies: An Interdisciplinary Journal
Rights and Permissions Officer
Harwood Academic Publishers GmbH
Gordon Breach Science Publishers SA
Y-Parc, Chemin de la Sallaz, 1400 Yverdon
Switzerland

To Whom It May Concern,

Would you please allow me permission, in writing, to include a published article of mine as part of a chapter in my PhD dissertation?

The article is "Women and Law in Faulkner" and appeared in *Women's Studies: An Interdisciplinary Journal* Vol. 22, No. 4 (1993), pp. 517-24.

I would greatly appreciate if you could send a letter or fax as soon as possible. The Department of English, University of Alberta fax number is (403) 492-8142.

Thank you for your consideration.

Yours truly,

Michael Lahey

Michael Lahey

ML/ls

SEE PERMISSION
ON REVERSE

From the Publisher:

Insofar as we are the copyright holder nonexclusive permission to reproduce is hereby granted at no cost according to the terms of the request on the reverse side hereof. Permission is subject to giving full credit to original material in the usual manner, including author(s) and/or editor(s), publisher, journal name or work title and year of publication. Original typeset format may not be reproduced and must be reset.

For the Publisher: **HARWOOD ACADEMIC**
PUBLISHERS GmbH

Signature:
Pierre Steiner
Rights and Permissions Officer

Date: 2 5 AOUT 1995

UNIVERSITY PRESS OF Mississippi

September 26, 1995

Michael Lahey
Department of English
University of Alberta
(403)492-8142

Dear Mr. Lahey:

I am writing in response to your letter of 13 September requesting permission to use "The Complex Art of Justice: Lawyers and Law-Makers as Faulkner's Dubious Artist-figures" in your Ph.D. dissertation. Permission is granted at no cost.

I wish you the best with your work.

Thank you,

Brandy Andrews
Brandy Andrews
Assistant to the Director

3825 RIDGEWOOD ROAD JACKSON, MS 39211-6492
601-982-6205 FAX: 601-982-6217

August 8, 1995

Journal of the Short Story in English
Rights and Permissions Officer
Presses de l'Université d'Angers
5, Rue Le-Nôtre
49045 Angers Cedex 01
France

To Whom It May Concern,

Would you please allow me permission, in writing, to include a published article of mine as part of a chapter in my PhD dissertation?

The article is "Film, Fantasy and Assault: Accusation and Esteem in Faulkner's 'Dry September'" and appeared in *Journal of the Short Story in English*, No. 19, Autumn 1992, pp. 43-52.

I would greatly appreciate if you could send a letter or fax as soon as possible. The Department of English, University of Alberta fax number is (403) 492-8142.

Thank you for your consideration.

Yours truly,

Michael Lahey

Michael Lahey

ML/ls

Permission granted,
with all best wishes,
BF
Ben Forkner, Editor JSSE

Mississippi State
UNIVERSITY

Mississippi Quarterly
Post Office Box 5272
Mississippi State, MS 39762-5272

Article: "Trying Emotions: Unpredictable Justice in Faulkner's 'Smoke' and 'Tomorrow'"

Author: Michael Lahey

Published: *Mississippi Quarterly*, v. 46, No. 3 (Summer 1993), pp. 447-462. Copyright 1993, Mississippi State University, Mississippi State, Mississippi

==

As proprietor of copyright/reprint rights for the material attached and acknowledged above, I hereby grant nonexclusive world permission for Michael Lahey to include his article in his PhD dissertation.

Signature

Name & Title Robert L. Phillips, Jr., Editor

Address: MISSISSIPPI QUARTERLY
P.O. BOX 5272
Mississippi State, MS 39762

Date & Phone # August 30, 1995/ 601-325-3069

Fee Waived

Please use the customary form of acknowledgement of previous publishing.

THE JOURNAL OF SOUTHERN CULTURE

Abstract

This study draws upon a diverse range of literary criticism, Critical Legal Studies, and American and Southern legal history to explore the ideas and presence of law in William Faulkner's fiction. I argue that law in Faulkner appears in various forms: a system of articulated codes; an unexplainable social force; a tool for the economically and politically powerful; a self-enclosed hierarchy generating its own meaning (a system capable of constructing its own facts and by implication its own reality); and a form of fragile social ordering often incapable of preventing illegal or extra-legal activity, racial violence, or threatened institutional dominance of the community. Yet there are moments where Faulkner offers law as a system and a spirit of meaning whose social potential promises more than dominance and division, where meaning has the potential to be rescued rather than imposed. What I identify as this promise of law in Faulkner rests, ironically, with outsiders and mavericks who challenge law's presumptions. I also argue that the hope for law in Faulkner lies with the "Southern legal child," as represented in a great many of Faulkner's characters but most insistently in Charles (Chick) Mallison, County Attorney Gavin Stevens' nephew.

In this dissertation I also interrogate the conditions of community in Faulkner and the ways that the meanings and activities of law and community both condition and

contradict each other. Accordingly, I pursue some of the importance and tradition of both law and resistance to the law in Southern culture. I also examine the lawyer, as Faulkner figures him, as a peculiar, contradictory authority figure, as an ambiguous force both productive and defiant of social order and certainly usually more than a technical language expert. My main focus, however, is on the range in Faulkner's fiction of legal consciousness, of legal events, and of the justifications that legal thought attempts to impart to legal acts. I argue that the complex and often contradictory notions of law in Faulkner's work are central to any reader's understanding of the cultural conditions against which Faulkner wrote and, in view of the totalizing notions of legal culture, against which he struggled imaginatively and creatively. The methodology of the study reflects my concern with both traditional jurisprudence and recent provocative accounts of what may be said to constitute the law.

Acknowledgements

There are a tremendous number of people who have encouraged my work in various ways at various stages. I would first like to thank my co-supervisor Professor Mary Chapman for taking the project on despite her many other commitments and for constantly encouraging me throughout in several ways. I have often tried, though perhaps a little unrecognizably, to make Professor Chapman's scholarly vigour and energies an academic model for myself. My co-supervisor Professor Lynn Penrod has also been a constant and steadying source of encouragement and optimism. I thank Professor Penrod for initially entering into the project with much faith in what a student might be able to do with the subject of Faulkner and the law and for generously continuing on with the project after her professional commitments greatly changed and intensified. Professor C.R.B. Dunlop has always encouraged my thinking on the law in literature and has, with good humour and patience, helped me feel I was underway on an interesting and important project. Professor Daphne Read has been generous in giving her time to this project despite her many previous commitments to a large number of graduate students, and I thank Professor Read for encouraging me to pursue my topic. I am also grateful to the other members of the committee--Professors Roland McMaster, James Marino, and Debby Thompson--for their time in the project. I thank my external examiner, Professor

Martin Kreiswirth, for his generous participation and especially for his previous encouragement in my study and in my projects.

I would also like to thank Professors Linda Woodbridge, Paul Hjartarson, and Joanne Wallace, who, as Graduate Chairs in the Department, supported me in my work despite my own procedural confusions.

I offer a special note of recognition and appreciation to the several professors at the Center for the Study of Southern Culture and the Department of English at the University of Mississippi who have helped me in many considerable ways, not least by their academic comments and warm hospitality. Professors Jay Watson, Donald Kartiganer, Ann Abadie, and Doreen Fowler were the first Faulknerians I had ever met, and they told me my ideas were fresh and well worth pursuing. They have also given me, along with my advisory committee, professional encouragement. I am especially grateful for Jay Watson's collegiality and for his encouraging me to disagree with him on law in Faulkner.

At different stages of my project, I have had the good fortune of having some of my work accepted for publication. I would like to thank the unknown readers for commenting on, suggesting changes in, and recommending for acceptance "Women and Law in Faulkner" in Women's Studies: An Interdisciplinary Journal; "Film, Fantasy, and Assault: Accusation and Esteem in Faulkner's 'Dry September'" in Journal of the Short Story in English; "Trying Emotions:

Unpredictable Justice in Faulkner's 'Smoke' and 'Tomorrow'" in Mississippi Quarterly; and "The Complex Art of Justice: Lawyers and Law-Makers As Faulkner's Dubious Artist-Figures" for the Twentieth Annual Faulkner and Yoknapatawpha Conference and in the forthcoming Faulkner and the Artist. I am obliged for the written permission of the copy-right holders of those publications for allowing me to include revised versions of those works here.

On the local scene, the Department of English has always generously offered me part-time sessional teaching positions for my Ph.D. years, and I have been able to work my way through my degree feeling gainfully employed in multiple social, professional, and pedagogical ways. The Department has also twice extended to me the Sarah Nettie Christie Travel Bursary to help defray the costs of conference papers in 1989 and 1993. The Faculty of Graduate Studies has also extended a travel bursary to me to help with an early conference paper.

Finally, and most importantly, my family has been supportive in all ways: my mother, through her considerable and courageous belief that important things do get done in her life and in mine, and my sister, a young lawyer, through her ongoing curiosity in what I was doing. My late father also figures into this dissertation in quiet ways, not least for his having practised a range of law for thirty years in a small town.

TABLE OF CONTENTS

CHAPTER PAGE

INTRODUCTION FAULKNER AND LAW 1

ONE LAW AND SOCIETY: SOCIAL CONTEXTS AND SOUTHERN INSTANCES 56

TWO OUTSIDE LAW: SOCIAL INVESTMENTS AND CURIOUS DEFIANCES 103

THREE SANCTIONED INJUSTICE: VIGILANTE AND INSTITUTIONAL COMPLICATIONS 169

FOUR TRYING EMOTIONS: UNPREDICTABLE JUSTICE AND ITS EXPOSURES 216

FIVE WOMEN, COMMUNITY, AND LAW 245

SIX THE COMPLEX ART OF JUSTICE: LAWYERS AND LAW-MAKERS AS FAULKNER'S DUBIOUS ARTIST-FIGURES 295

CONCLUSION SENTENCES THAT SUSPEND THE LAW 331

BIBLIOGRAPHY 354

INTRODUCTION

FAULKNER AND LAW

This is a study of the law and lawyers in Faulkner's fiction. Faulkner's treatment of law is in no way consistent; Faulkner sees it as holding many forms, offering some promises and many direct and indirect threats. Law is everywhere in his work and brings with it contradictions, coercions and hidden values. As Jay Watson points out at the beginning of _Forensic Fictions: The Lawyer Figure in Faulkner_ (1993) (a study to be considered at length below):

> the law in Faulkner is a vast and multidimensional affair: at once a deeply normative cultural system, a vehicle of ideology (in its constructive and destructive manifestations), a force of social stability and control, an entrenched and often blindly self-interested institution, and not least of all a human vocation, a form of practice that in some instances achieves the status of a calling. (3)

I similarly treat the law as a richly varied and shape-shifting expression of sometimes consistent, sometimes contradictory values. In particular, I treat law as a dynamic of individual and social consciousness in this study.

The basic purpose of the chapters to follow is to explore the significance of the various manifestations, conflicts, and contradictions of the forms of law that Faulkner represents in his fiction. At the same time, this study aims to pursue not only _what_ law may mean but _how_ the notions and enactments of law make meaning in the fiction considered. Before I map out the content and direction of individual chapters, I will discuss some of the important cultural, biographical, and critical materials that helped shape this study. I am concerned to introduce the reader here not only to one of Faulkner's most important topics, but also to the influences shaping both the author's and my handling of that topic. So while I outline various family and cultural factors that influenced Faulkner's ideas about law, I also include a thorough discussion of Yoknapatawpha County Attorney Gavin Stevens, since in my initial reading of Faulkner years ago, the author's curious and inconsistent positioning of Stevens first drew my attention to law in Faulkner, and eventually to subtler forms of it and its issues in his work than those only most immediately linked to the figure of the County Attorney. I present a broad map, then, of some of issues and concerns a reader encounters when engaging the puzzle of the representation of law in Faulkner before presenting a more narrow map for the chapters to follow.

Certainly Faulkner returns to law repeatedly, almost obsessively, in his fiction, caught in this return as some of his more inscrutable characters are caught in their own strange repetitions. The extent of law in Faulkner is striking. There are, for example, trial scenes in Sanctuary (1931), "Barn Burning" (1939), The Wild Palms (1939), "Tomorrow" (1940), Requiem for a Nun (1951), The Hamlet (1940), The Town (1957), The Mansion (1959), "The

Fire and the Hearth" (1942) and A Fable (1954). There is, further, a failed legal plea for commuting a death sentence in Requiem for a Nun, a parole hearing and reference to two trials in "Monk", a grand jury inquest in "Smoke", and the instituting of a peace bond that concludes the action in The Reivers. There is an open-air hearing (not formally legal) before a Justice of the Peace in The Sound and the Fury who threatens Quentin with the unmerited charge of criminal (sexual) intent after a lost little girl follows him about before his suicide. In one of his final social rituals before suicide, Quentin pays a probably pocketed unofficial fine to stop law's procession into his life.

Law pops out, then disappears in Yoknapatawpha. Lucas Beauchamp is taken into custody on false accusations of murder in Intruder in the Dust, for instance, and this charge sets in motion the novel's frantic action, including much grave-digging, mob rumblings, and repeated disclosures about the nature of white community in crisis, particularly the dominant community's attempt to stage a racial crisis, not a genuine legal confrontation. Since the murder is eventually exposed as white fratricide arising from the crooked Gowrie brothers' lumber transaction, the mob, with no further racial triggers, disperses; Lucas Beauchamp is indifferently released by the law, only to see both formal law and lynch law evaporate suddenly before him.

Where there is not engagement with the law outright, judges, lawyers, and law students populate Faulkner's imaginative universe: Horace Benbow, Gavin Stevens, Labove, Judge Stevens, Charles Mallison, Henry Sutpen, Charles Bon, Jason Compson III, Bayard (II) Sartoris, Judge Drake, Eustace Graham, the unnamed New Orleans lawyer retained to assail Sutpen's dynasty, the unnamed Memphis lawyer at Lee Goodwin's trial, and, possibly a prospective law student, Quentin Compson himself. Ike McCaslin and Joanna Burden also qualify as lay advocates in the scope of their actions: research into cryptic property and financial ledgers and the advising of black colleges on funding and investment, respectively. And Joanna wants Joe Christmas to become a lawyer to continue her work.

I.

In his life and his culture, Faulkner could hardly escape the law. There was nearly as much law in Faulkner's family as in his fiction. In fact, Faulkner's family history encompassed many aspects of Southern legal history and its tendencies.[1] For example, the odd, Southern, privatized notions of justice existed directly in Faulkner's family, though not directly in his experience. In "William

---

[1] For a brief discussion of the southern traditions of violence and training in the law intersecting in the person of Colonel William Falkner, Faulkner's great-grandfather, see Joel Williamson, William Faulkner and Southern History (1993), pp. 49-60.

Faulkner, Robert Penn Warren and the Law" (1991), Christopher Waldrep points out that

> Faulkner confronted considerable evidence from his own family that Mississippi courts failed to achieve justice. Faulkner's father, Murry, was one of the few Faulkner males who was not a lawyer. More characteristically, Murry was involved in an altercation and shot. Also characteristically, a Mississippi jury acquitted his attacker. (40)

Waldrep also writes that Faulkner's paternal grandfather, a lawyer, was commonly known as "a fixer" who could deftly manage situations for a client or associate in trouble with the law, and that Faulkner's great-grandfather, William C. Falkner, also a lawyer, "sat in court as a defendant in a murder trial before being murdered himself. A jury acquitted him just as a later jury acquitted his own killer in a trial one newspaper called 'a mockery of justice'" (40). Waldrep argues that Faulkner's exposure to both legal authority figures in his own family and a peculiar Southern justice, or rather, peculiar absences of justice, greatly influenced the author. According to Waldrep, Faulkner likely grew up hearing stories about his immediate family and his culture that may have weakened his faith in the formal procedures of institutional law, but not in the social power of lawyers, who comprised his family for five generations.[2] But against this family background of legal power and privilege, which included a circuit judge, a railroad tycoon, a Lafayette County Attorney, another judge in the state's third judicial district, and a lawyer brother who worked for both the Treasury Department and the F.B.I.,[3] Faulkner would also have seen the ways that the South worked out its violent resolutions in the streets and country-side and kept Southern power in the hands of a dominant class.[4]

---

[2] In Forensic Fictions: The Lawyer Figure in Faulkner, Jay Watson offers a similar view, arguing that since Faulkner was born into a family "with a history of achievement and training in the law..., [he] must have experienced the authority and even the identity of his

In short, from an early age Faulkner would have lived with an awareness of and ambivalence towards the seeming fragility (and possible bankruptcy) of the procedures of Southern official authority. At the same time, Faulkner could not but see everywhere in his own life and culture the power of (and perhaps his own rivalry with) individual lawyers. While constantly witnessing the suspension or outright rejection of law, Faulkner would also have been aware of the cultural capital of law as embodied by the

---

Faulkner forefathers as importantly and inseparably linked to that vocation" (7-8).

[3] For a more extensive list of the extraordinary number of legal figures in Faulkner's extended family tree, see Watson's Introduction to Forensic Fictions: The Lawyer Figure in Faulkner (1993).

[4] See, for example, Williamson's discussion of the lynching of Nelse Patton in Oxford, Mississippi, in 1908. Patton was a black man accused of the murder of one white woman and the attempted rape of another (157-62). The primary organizer of the lynch mob was Senator William Van Amberg Sullivan, a wealthy lawyer, one of whose regular clients was--"amazingly"--Nelse Patton (160). Granting interviews after the lynching, Senator Sullivan said he would gladly repeat his actions "'if the need arose'" (161).

lawyer. And this culturally conditioned separateness of Mississippi lawyers from the formal organization of the law itself persisted far past frontier days and well into Faulkner's own time. As legal historian Michael de Landon points out in The Honour and Dignity of the Profession: A History of the Mississippi State Bar, 1906-1976 (1979), the Chairman of the American Bar Association complained in 1919 that "fewer than six percent (eighty) of Mississippi's lawyers were paying the eight dollars annual dues to belong to the national professional group" (58).

The lawyer in Southern culture was a special case of the American lawyer, resisting not only the late nineteenth-century currents of law toward specialization but enjoying a special power in local communities that still greatly valued interpersonal relations and concepts of honour and shame.[5] The lawyer in the Southern context was a legal, social, and political contradiction. As Robert Ferguson points out in "Law and Lawyers in Faulkner's Life and Art" (1984), Southern social and legal conditions after the Civil War drew on the lawyer as much as a psychological figure of order as a practical legal resource: "[t]he more restricted the law became in its areas of application, the more expansive the [Southern] lawyer had to become as social arbiter and symbol of order" (215). Ferguson notes that the Southern lawyer had no cultural choice but to rely on an authority curiously derived apart from formal law alone, since to have relied exclusively upon "a narrowing legal expertise, as lawyers in the North and West increasingly did from 1850, would have meant social and political suicide in the South" (215). In short, then, the Southern lawyer embodied many tensions precisely by attempting to reconcile entrenched unwritten customs and codes of honour, accomodate a continuing socially sanctioned regime of racism, and represent, nominally at least, the formal rule of law as it was intensifying in the Nation as a whole. Ferguson suggests that the Southern lawyer may have managed the contradictions that could not be eliminated by creating an expansive social persona that "reduced conflicting systems of order to personal modes of behaviour. He absorbed alternative roles into a single grand style as both planter and lawyer" (215). This is the reason, Ferguson suggests, that Southern social descriptions needed to create the lawyer into something far beyond himself, something beyond the limits of a professional identity.[6]

---

[5] For a fuller discussion of the contradictions that the southern lawyer embodied and contended with, see Robert Ferguson, Law and Letters in American Culture (1984), pp. 290-97. Ferguson points out how antebellum notions of law persisted far into the age of the "modern" South, forcing lawyers to accommodate codes of honour that impinged on formal legal prerogatives. For a more detailed discussion of the ways that (white) southern notions of honour and shame shaped social choices and actions, see Bertram Wyatt-Brown, Honour and Violence in the Old South (1986). Wyatt-Brown observes, for example, that "[h]onor, not conscience, shame, not guilt, were the psychological and social underpinnings of southern culture" (22).

In "Phil Stone and William Faulkner: The Lawyer and 'the Poet'" (1984), Susan Snell argues that Faulkner's close lawyer friend, early literary mentor, agent, and sometimes financier Phil Stone may have unwittingly contributed to the preponderance and centrality of law in Yoknapatawpha. Snell elaborates the strange, productive, but ultimately competitive cross-currents between these friends and locally prominent Southerners. Stone, whose own father was a legendary Lafayette County courtroom attorney (173), yearned to be a writer but pursued the family tradition of law; Faulkner, cutting against the expectations of the Southern legal family, chose early on to become exclusively a writer, "thereby violating Southern tradition and consequently exacerbating his own, perhaps puritanical, ambivalence toward the artist's craft" (169). Snell points out that while Faulkner perhaps transgressed Southern cultural expectations for men, particularly first-born sons of legal families (though, as already noted, Faulkner's father Murry was also one of the few Falkner males not to enter the legal profession), Stone conformed to "the pattern dominant in the region until the Southern Renaissance. Once he had two law degrees and a place in the family law firm, Mississippi society permitted Stone to indulge a literary vocation to his heart's content" (170). Most notably, he indulged it vicariously through Faulkner. Snell suggests that Stone may also have been the model for certain aspects of both the lawyer Horace Benbow in Flags in the Dust (1927) and Sanctuary (1931) and County Attorney Gavin Stevens, who appears in seven of Faulkner's novels and several stories, most notably those in the Knight's Gambit collection (1949).

---

[6] Ferguson further argues that the southern lawyer's broad social role and the increasing necessity to embody legal contradictions made this figure a symbol of a supposed order rather than the representative of an actual one. Ferguson interestingly treats the southern lawyer as a cultural phenomenon and expansive persona who attempts to face down to increasing precisions of late nineteenth- and early twentieth-century law.

Such a possible representation may suggest as much (or more) parody as tribute, however. Watson, for example, points out how Stone attempted to establish an early literary proprietorship over the young author that Faulkner deeply resented, in much the way that he may have resented Stone's early rise to public prominence in the Southern community. At twenty-eight, Watson notes, Stone was appointed assistant United States district attorney for the Northern District of Mississippi (10-11). Stone, then, was clearly excelling in a public identity that Southern culture certified, while Faulkner was continuing on in an ambiguous and sometimes deliberately cultivated obscurity. Young and drifting, Faulkner was "Count No 'Count," as sceptical locals called him, while his friend, pushing him on to further socially isolating literary endeavours, was the regional District Attorney.

The personal and social ambivalence concerning lawyers and the profession of law that Faulkner could not seem to escape also surfaced in his romantic life. Estelle Oldham was Faulkner's first love and, later, his wife after her divorce from Cornell Franklin, a Southern lawyer who later became a federal judge. Estelle was also the daughter of Judge Lemuel E. Oldham, who heartily disapproved of young Faulkner, the unaccomplished and aloof poet, while heartily approving of Franklin. For reasons completely different than Oldham's, Phil Stone also attempted to discourage Faulkner's romantic suit, believing it would distract his budding protégé from literary pursuit. As Watson points out, it is probably significant to Faulkner's increasingly conflicted sense of the personal and social dimensions of a lawyer's control "that the three men who most strenuously attempted to thwart the relationship between Faulkner and Estelle Oldham were forensic figures" (9).

Just how Faulkner managed to address his concerns in his fiction about lawyers as social and romantic rivals, as his own distinguished ancestry, and as regionally revered cultural figures has proven contentious. As Watson has it, Faulkner often wishes to exert imaginative, vicarious ascendancy over such figures and populates his fiction with them to control them by authorial fiat. Watson goes on to argue that Faulkner later made peace, at least imaginatively, with such figures as his own artistic confidence and success developed. Against this view of a gradual acceptance, Noel Polk in "Law and Faulkner's Sanctuary" (1984) argues that Faulkner figures not a world of law at all, only one of punishment. While the Jefferson courthouse is always present, the jail is more so. Polk argues that Faulkner sees concepts of punishment, figured in the prison, rather than the difficulties of representation figured in the court, as the compelling force behind his fictional world: that, in fact, the prison is the progenitor of culture. To what extent Faulkner's pained personal experience with and general view of figures of the law may have conditioned his perception of the culture of law as signifying strange forms of punishment remains unclear.

II.

Two of the most helpful recent critical studies of the uncertain conditions of authority in Faulkner are Watson's already-mentioned Forensic Fictions: The Lawyer Figure in Faulkner (1993) and John Duvall's Faulkner's Marginal Couple: Outlaw, Invisible, and Unspeakable Communities (1990). Watson explores the legal world Faulkner creates and points out that with Flags in the Dust the author discovered Yoknapatawpha and lawyer-figures in the same moment. Watson argues that Faulkner's construction of an imaginative world is inseparable from the author's contemplation of the social position of the lawyer (14-16). Watson valorizes, and has Faulkner valorizing, the idea and ideal of the lawyer as represented by Stevens. Duvall, on the other hand, scrutinizes Faulkner's numerous outsiders up against the prescriptions of communal conformity and deliberately seeks to scandalize previous critical notions of Faulkner's presumed agrarian purposes in offering a homogenizing communal representation. Both Watson and Duvall rigorously interrogate ideas about the conditions of authority and community in Faulkner; where Watson considers Faulkner as ultimately conservative in notions of community, however, Duvall argues that all Faulkner's sympathies reside with the loner outside conventional boundaries. In the pages to follow I mean to discuss these two critics at length.

Watson's is the only extended examination of the development of Faulkner's ideas about law, the courtroom, and the lawyer-citizen. Surprisingly, he advances the notion that Faulkner's community is only ever maintained through unofficial, not official, language practices. Watson views Faulkner's main lawyer-character, Gavin Stevens, as a fluent and ethical trader in forms of language, a powerful citizen whose best chance at effecting justice is to be sensitive to all manner of stories and story-telling in his region. Watson is also interested in lawyers as American cultural figures and how Southern contexts, particularly as Faulkner seems to read them, placed strange pressures and privileges on Southern lawyers both to represent and to defy the South's contradictory symbolic order.

My study differs from Watson's in two crucial ways. First, where for the most part Watson analyzes the figure, situation, and personal and social tendencies and roles of the Faulknerian lawyer, I address the types of legal and social thinking that Faulkner depicts: the qualities of legal and social consciousness in Faulknerian textuality. Second, where Watson sees the lawyer as dutiful citizen over the range of Yoknapatawpha's social spectrum, I read Faulkner's lawyers as ambiguous figures who embody and enact but also challenge, entirely for their own purposes, the law. Of course, Watson and I share related concerns, but our studies have different motives and draw extremely different conclusions from the same material, an aspect that accounts for the second major difference in our separate studies. Watson sees Faulkner's developing lawyer-citizen as a powerful, usually unofficial, communal redeemer who can stimulate and challenge a community to find its own best self despite itself. The lawyer-character, according to Watson, stimulates community to conserve its own best impulses and transform through countless verbal transactions its vision and functions as a community. By comparison, my reading of Faulkner's presentation of law and lawyers is much less optimistic. While deeply indebted to Watson's thorough and original study, I resist the overall thrust of his interpretation.

At the heart of this resistance is my reading of the chief figure of law in Yoknapatawpha, County Attorney Gavin Stevens. Undoubtedly, Watson's study has complicated all questions concerning this curious fictional lawyer. Still, I would argue that, in assessing Stevens, Watson over-recuperates. To him, Stevens effectively embodies law in Faulkner. But to reconcile this (quite accurate) recognition with his view of the lawyer-citizen as communal redeemer, Watson must overlook many of Stevens' failings or even abuses as an agent of law. In other words, the critic moves to protect Stevens from harsh critical assessment in order to preserve the critic's own optimistic vision of law. As do many Faulknerians before him, Watson writes quite eloquently about Faulkner's construction of Stevens, but cannot address the author's ambivalent construction of Yoknapatawpha through Stevens--and, more precisely, through Stevens' unusual applications of the law. Where Watson outlines an ongoing depiction of a scrupulously ethical yet legally resourceful individual, Faulkner's own characterizations compel a reader to grapple with an entirely ambiguous, presumably internally ambivalent, legal individual who seems at different moments to be partly defying, partly capitulating to, partly indifferent toward the entrenched, often violent, Southern practices and beliefs and their repeated entanglements with and transgressions of an official legal order.[7]

There is no discounting Stevens' importance or centrality to Faulkner's fictional world and imagination. He is cast in seven of Faulkner's novels: Light in August, The Hamlet, Intruder in the Dust, Requiem for a Nun, The Town, The Mansion, and Go Down, Moses. He also appears throughout Knight's Gambit, a collection I consider Faulkner's most sustained concentration on presumptions and problems of law, and in such stories as "Hair" (1931), the lawyer's first appearance in Yoknapatawpha. Stevens' recurring presence is clearly significant to Faulkner, and carries with it, whether he is shown to be practising law at any particular moment or not, a tremendous social, ethical, and ideological influence. In small towns, especially in Faulkner's sometimes amusing, sometimes sinister exaggeration of the practices of constant communal surveillance, influential and educated professionals would nearly always be publicly considered in their official identities, regardless of whether they are performing in that office or not. At several points this confusion and expansion of legal spaces bears negatively on Stevens' characterization, as he seems always prepared to capitalize on the collapse of professional and social categories.

---

[7] Watson is certainly not alone in offering a recuperative view of Stevens. Richard Weisberg (well known for his study The Failure of the Word: The Protagonist as Lawyer in Modern Fiction (1984), in which he argues that many European authors consistently show the impulse behind their fictional lawyers to emerge from a social "ressentiment," an irrational sense of personal insult) counters Polk's above-mentioned punitive and deterministic view. In fact, in his treatment of Stevens, Weisberg seems as hopeful as Watson. In his only work on Faulkner, "Quest for Silence: Faulkner's Lawyer in a Comparative Setting" (1984), Weisberg argues that Stevens is one of the few fictional lawyers to develop personally through use of professional methods rather than in deliberate reaction against those legal skills and training (211). This view, which also anticipates a recent reading by John Irwin in "Knight's Gambit: Poe, Faulkner, and the Traditions of the Detective Story" (1990), asserts that Faulkner came to view his chief lawyer figure positively, rather than as the focus of a fictional therapy to settle old personal and regional scores.

The dubiousness of Stevens' characterization issues centrally from his suspect talent as a lawyer: he is never shown winning in the courtroom. So when Watson points out that Stevens, in comparison to the highly ineffective lawyer Horace Benbow of _Flags in the Dust_ and _Sanctuary_, Stevens' Yoknapatawpha legal predecessor, "has the skill and experience to accept courtroom cases in good conscience, and . . . the tenacity to finish them" (78), one must ask, where in Faulkner are any references to Stevens' many successful courtroom cases? Although Watson is filling in Faulkner's own implication of a background narrative for Stevens--this lawyer probably would not hold the office of Country Attorney so consistently through elections without having some considerable legal reputation--Faulkner tellingly never depicts Stevens succeeding in formal legal moments, but rather managing Yoknapatawpha's legal affairs unofficially. Stevens thus embodies law but seems unbound by its technicalities. Such technical absence and omission are likely significant to Faulkner's sense of law as unpredictable social force capable of both personalizing itself and unaccountably moving past its rules.

Furthermore, since "Tomorrow" and "Smoke" are the first two appearances of this complicated lawyer-citizen and cast him in formal legal settings, a trial and a Grand Jury inquest respectively, it is significant that the first story raises the question of skill, in his drifting, nearly lost remarks to a jury as defense counsel, while the second story, in which the lawyer demonstrates both forensic skill and experience, thoroughly raises the question of ethics and professional conduct, attributes that Watson automatically grants. Although an astute critical reader of Faulknerian community and its complex of written and unwritten codes, Watson in his subtle word choice of "finish" rather than "win" to account for these speculative cases betrays his own hesitance toward any conclusion of Gavin's legal performances based on what Faulkner's texts actually render.

As well, Watson may be seen to back-pedal on his positioning of Stevens as a genuine, not merely ostensible, forensic "knight" (an ironic reference Faulkner makes repeatedly). Watson concedes that, besides the problems of ethics and professional accountability in "Smoke" and

"Tomorrow", "Gavin's auspicious debut"--as full-blown Southern lawyer-in-residence in what Watson argues is Faulkner's forensic trilogy--

> is tempered somewhat, however, by two other appearances, in Light in August (1932) and "Go Down, Moses" (1941), where his ethics and conduct are subjected to a more sober, and more ironic, appraisal. Well before the forensic trilogy of 1948-1951 [Intruder, Knight's Gambit, and Requiem], these four texts offer us a suggestive glimpse of the wide range of possibilities represented by the forensic figure as lawyer-citizen. (78)

Watson here simply neutralizes professional failings, legal entrapment, social cynicism, media fixing, strategic inaction, and possible racist implication in violent Southern (white) social practices as just so many more legal possibilities, simply other ways to be a lawyer (and a citizen) in Southern society. Consistently, then, I disagree with Watson about the possibilities that Faulkner represents not only for this lawyer character, but also, and directly related, for the individual's chances before the law.

Even a brief overview of Faulkner's fiction demonstrates the dubiousness of Stevens' talent as a lawyer. Time and again, he fails not just to defend or prosecute successfully within the official realm of the courtroom but even to pursue legal concerns regularly and effectively along official paths of authority. Though diligent, he fails in "Tommorrow" in his first trial, as defense counsel, with a surprise mistrial rather than the widely expected jury acquittal of one of the region's upright and popular farmers. Indeed, part of the irony of this overlooked story is that the hidden personal issues determining the jury verdict have little to do with Stevens' fledging legal efforts. In this trial, lawyers are not the important figures.

In Requiem for a Nun, Stevens, though much more experienced, also fails in his attempt at legal intercession on behalf of Nancy Mannigoe, at the behest of Temple Drake, when the Governor refuses to revoke her death sentence. Abandoning legal purpose entirely, Stevens capitalizes on Nancy's impending execution to set up an odd and torturous confessional space for Temple. This strange attempt to extract an extra-legal confession is prompted by and hearkens back to the largely unresolved events of Sanctuary, its trial, and Temple's intertextual years since that time.

Although therapeutic for Temple, the confessional scene calls into question Stevens' personal motives and techniques of painful exposure in Requiem. These concerns include the nature of his social and sexual vicariousness and his apparent need to exercise a lawyer's linguistic control, significantly long after the fact of the events of Sanctuary: for Temple is also the former perjured Jefferson prosecution witness who was previously, and illegally, whisked beyond the scope of that trial's ineffective defense counsel, Horace Benbow, by the power and privilege of her father, the judge. This intertextual aspect considered, Gavin's strange extra-legal cross-examination becomes highly ambiguous, helping only initially to construct a confessional space for the penitent. The performance instead emerges more as a lawyer's revenge than as any offering of proposed catharsis. It is also significant here that Stevens draws to himself not only the lawyer's but the priest's power to compel confession and examine exposed conscience. Expanding beyond the lawyer's social and authoritative position, Stevens sees fit to take conscience alone as his jurisdiction.

Clearly Gavin sees himself in Requiem as a self-appointed intercessor and inquisitor in other than what could be even broadly considered legal business. The County Attorney presumes to examine conscience and personal pain in and of themselves and not as they bear on any aspect of the professional legal business of infanticide and the death penalty before him. In this instance, Stevens' relationship to the law reveals the extent to which he represents himself through the power of the law rather than represents the authority of the law through himself. By personalizing the law, Stevens depersonalizes his fellow citizens. And although Requiem registers a strong and rehabilitating sense of catharsis and personal corrective for Temple, an official legal matter regarding the impending state-imposed death of one woman has been manipulatively shifted to concern itself with the vulnerable personal conscience of another who now regrets her own choices and detrimental influence on the content and outcome of a far distant trial.

Faulkner's mixing of contexts, of past and present, private and public, in Requiem is rich and meaningful for considerations of law throughout the author's invented world. Law as an official, collective, controlled memory is suddenly displaced by erupting personal memory; lawyers, not judges, become self-envisioned confessor-figures; and law's presumed ability not only to control the perception of events in a temporal field, but to reverse the temporal field itself is embodied for ambiguous ends in one legal representative. Since Stevens now operates far outside the containments and categories that legal systems impose, Faulkner explores how a lawyer's language skills can continually subvert those categories, arranged by legal language, in order to re-channel such skills personally and indiscriminately. Faulkner's work has always been about the nature, use, and limits of language itself as much as about the content that language is attempting to convey. Requiem presents a lawyer's language employed as a type of tool accountable only to itself, to its own compulsion to engage and expose.

In other works Stevens is similarly cast by Faulkner as an unsettling legal free agent--drawing on a court system's authority but acting entirely on his own impulses. In

"Smoke," he succeeds in a legal hearing so dubiously, perhaps not quite legally, when he tricks his way forward in an inquest in the murder of a judge, that the narrator, a juror, is moved to confront him on his methods. This story raises serious questions regarding not only Stevens' personal legal vision but the fitness of the Jefferson legal enterprise, particularly its apparent inability to perform as a social register other than as the one that Stevens wants it to be.[8]

Stevens invests himself with the law, taking its presumed scope as his own. In most instances, particularly in his and Ratliff's obsession with thwarting the insurgent Snopes in all their various familial and commercial incarnations, Stevens handles matters on the fly, on the side, under the table. This personally contingent and legally concealed tendency must be taken into consideration when weighing Watson's assessments of Stevens' purported vision and benevolence. More important, law in Yoknapatawpha increasingly appears to be both what Stevens deems it momentarily to be and what, in its less malleable technicalities, he wishes to avoid. In fact, legal technicalities are the constraints against which Faulkner curiously avoids depicting his lawyer character.[9]

---

[8] I explore this argument at length in Chapter Four.

[9] I am thinking here of the more direct and mimetically detailed ways that other American writers handle their representations of law. Dreiser's American Tragedy

In the later novels in the Yoknapatawpha cycle, Stevens is increasingly characterized by deep ethical ambiguities. In his last Yoknapatawpha appearance, in The Mansion (1959), for instance, Stevens is cast as indirectly complicit in Flem Snopes' homicide by his cousin Mink. Having battled long and unsuccessfully for a social control over the ruthless, increasingly institutionally powerful Snopes, now the Jefferson Bank President, the County Attorney seems to condone his elimination by any means possible. And, as is typical (not to mention mildly sinister) about Stevens' characterization in many moments of legal accountability or crisis in Yoknapatawpha, the attorney is both intellectually aware and socially passive, benefitting from the enforcement of continued social (and sometimes racial) positions while keeping distant--behind the law, as it were.

Stevens' appearance late in Light in August after Joe's lynching is a striking example of such ambiguous distance. Light in August presents a nightmare world of the violence that accrues around the combination of force and fragility of attempting to define individuals linguistically and legally according to notions of race. Rather than challenge or condemn Joe Christmas' murder by mob, however, Stevens indulges in his society's fiction-making, powerfully

---

(1925), for example, features one of the most extensive trial scenes in literature. Dreiser's treatment of the legal complexities of mens rea nearly provides its own education on this aspect of law and legal defense.

enabling the consequences of their racist social fictions, in fact, by attempting to treat Christmas' enforced racial position as a problem of legitimate knowledge. In Faulkner's portrayal, Stevens aims to intellectualize away a violent lynching and castration: "Gavin Stevens though had a different theory" (419). Here, in attempting to "solve" the problem of Christmas' defiance and destruction of supposedly enforceable racial categories, Stevens divides Joe Christmas into a deterministic combination of "white blood" and "black blood." Stevens, a day after the lynching, speculates that the "stain" on Christmas' blood, "either on his white blood or his black blood, whichever you will" (424), is the social element most responsible for the final events of his life. Since Stevens theorizes that racialized blood is driving Joe in different directions ("the black blood which snatched up the pistol and the white blood which would not let him fire it" [424]), the lawyer speaks away, through the construction of false categories, all the social and racial contradictions that the novel's action and Christmas' presence have threatened to expose in the Jefferson community. The County Attorney thereby "reasons" his way around the lynching and Christmas' murder by the dominant community. Notably, the lawyer's commentary turns only on the puzzle of Joe's identity and not on the more readily explicable conditions of why, socially, this ritualistic, racially motivated castration occurs or why he, the County

Attorney, is resigned socially (and legally) to accepting it. That is, Stevens carefully avoids pursuing the dynamics of both white racial anxieties and the genocidal residue of slavery's history.

Faulkner usually presents Stevens in private conversations, and often only garrulously so; however, the potential of his intervention here in Light in August with considered language, the supposed tool of his trade against the dangers of unexplained collective impression, would be socially significant, even if after the fact of Joe's murder. Seldom so close to the edge of an ethical crisis publicly enacted, Stevens is positioned to do more than talk this moment away; he could speak uncompromisingly as his region's chief authority figure to challenge his culture's continued violent racial practices. But Faulkner is positioning the lawyer in this instance to do dangerous ideological work, precisely because Stevens' ad hoc comments, advancing what amounts to reverie on the Southern dream/nightmare of race, explicitly impart a logic of destiny and essences to concepts of race (425):

> But there was too much running with him [Christmas], stride for stride with him. Not pursuers: but himself: years, acts, deeds omitted and committed, keeping pace with him.... But his blood would not be quiet, let him save it. It would not be either one or the other and let his body save itself.... It was the black blood which swept him by his own desire beyond the aid of any man, swept him up into that ecstacy out of a black jungle where life has already ceased before the heart stops and death is desire and fulfilment. And then the black blood failed him again, as it must have in crises all his life. (425)

In his positing of racial formula, Stevens is deliberately blurring the Southern irrational (mob response; racist castration) with the rational (a lawyer's analysis). The lawyer here further suppresses disregarded legal standards of guilt and innocence in favour of both a racist criminal determinism ("the black blood which snatched up the pistol" [424]) and the standing cultural notion of a mulatto's wilful self-destruction. Stevens also exaggerates dangerously the community's implied legal and social power to know and to determine identity. Finally, Stevens enforces cultural presumptions and codes by pretending that they have concrete lives of their own apart from the influential discourse of individuals. For these reasons, the casual words of the lawyer here clearly share some of the ideological work that the lynching scene's other individual cultural exponent, Percy Grimm, performs in the castration itself. That Grimm is figured by Faulkner as a distinctly jingoistic "soldier," a type of proto-Nazi in fact (426-27), places Stevens, as lawyer, in strange and unsettling company. The contemplative Southern lawyer and the fanatical racist and fascist (who believes that "the white race is superior to any...and that the American uniform is superior to all men" [426-27]) are now unintentional collaborators in an efficient and insidious cultural enforcement.[10] The lawyer's posthumous dissection of Joe Christmas in language not only follows the physical dissection; ideologically, it sanctions it.

By figuring Joe as "bad" because of "black blood" and somehow less bad due to "white," the passerby lawyer's impromptu eulogy effectively resituates the demarcations that Christmas' experience has threatened to shatter. While Stevens certainly has none of Christmas' blood on his hands, his words are an even more efficient knife than Grimm's lethal but limited weapon, insofar as they have the implicit authority to carve out a community's impression of itself and its practices.

Faulkner's positioning of Stevens nearly always conveys this lawyer's deep social ambiguity, if not explicit complicity in various oppressions. Stevens' utter legal passivity in Intruder in the Dust, for example, when the odds are that a mob will lynch Lucas Beauchamp before trial, also underscores the apparently unengaged but essentially controlling positions Stevens occupies. In this novel, Stevens' inexplicable inaction while a legal crisis gathers momentum before him makes the County Attorney deeply complicit in the official passive management of the region's ongoing violent race practices, while, again, positioning him in behind the authority and respectability of the law. Faulkner thus clearly registers in these two novels, as elsewhere in Yoknapatawpha, his ambivalence over the nebulous and expanding power of his most frequently represented attorney.

---

[10] For a discussion of the cultural contradictions between the hegemonic South's strong anti-fascist and particularly anti-Nazi position during World War Two, and its own genocidal, even fascist commitments, see Richard H. King's "Anti-Modernists All!" (1991).

As I will show, however, law in Faulkner emerges as far more complicated than the scope and predilections of a single practitioner, no matter how powerful or monopolizing of authority that figure may be. Rather, law, as this study seeks to define and explore it, becomes a form of fragile and changing consciousness in Faulkner that hovers constantly in his textual world, manifesting itself in various forms, through various characters and voices, in relation to various events. Whereas Watson insightfully argues that Faulkner's engagement with law through lawyer characters is symptomatic of a productive ambivalence for the author, who attempted to explore through "forensic fiction ... his [own] orientation toward the symbolic order" (14), and to examine "the individual's stance toward it, toward culture and power, through images of lawyerly resistance and lawyerly submission" (14), I would nonetheless suggest that much of this critical claim presumes, mistakenly, that the nature of law itself is settled and known. The chief issue Watson implies emerges as the Faulknerian individual's ideal stance toward law, a stance left undetermined in Faulkner. On the contrary, rather than presume to state what law definitively is or even may be, I read the resistance and submission to "law" of characters in Faulkner's world in order to address the complex forms that are resisted or submitted to in the name of law. My dissertation, while interrogating and complicating the question of what law may be, certainly does not settle that vexed question but, in pursuing it, questions in turn many forms of the authority and constructions of law in Faulkner, particularly as notions of law construct notions of Yoknapatawpha.

III.

Generally, I am often in agreement with John Duvall's reading of the relationships of law, power, and the construction of community in Faulkner, though less grim than Duvall about the degree to which special coercion apparently always succeeds in Faulkner's world. Duvall's is an intense study that disputes that there ever was what Cleanth Brooks, among others, called the Agrarian Faulkner--the Faulkner so interpreted by the majority of his influential critical community until fairly recently.[11] Duvall suggests this

---

[11] For recent discussions of the ways that Faulkner's literary reputation was revived and, notably, manipulated by Malcolm Cowly's publication of The Portable Faulkner (1946),see Lawrence H. Schwartz, Creating Faulkner's Reputation: The Politics of Modern Literary Criticism (1988), and Frederick Crews' chapter, "Faulkner Methodized," in The Critics Bear It Away: American Fiction and the Academy (1992). Both critics discuss how Cowly saw America needing a national moralist and a sturdy literary prop during the Cold War, and re-invented Faulkner to fit this need, greatly sweetening the author's themes. Faulkner

Faulkner was the academic product of powerful critics who actually read against the author's own subversive tendencies and literary project: "[A]s a result, the alternative communities in Faulkner's texts and the challenges they present to a larger community remain hidden because they are outside the interpretative field of vision" (4). Duvall's interpretation attempts to undermine previous critical notions of Faulkner's supposed purposes in communal representation by pointing out not only the number of outlaws, misfits, and outcasts that are at the centre of Faulkner's imaginative energies, but the equally numerous acts of a coercive communal will, not genuine response, that attempt to punish, dominate or expel these unassimilable individuals. Duvall sees an oppressive social world everywhere in Faulkner and identifies how a large portion of that oppression is often bolstered by Faulkner's conception of law. He insists that the author's main effort is to expose unexamined ideas of community, to show the community's judgements to be consistently wrong. Duvall's interesting argument pivoting on Faulkner's use of the word "killing," rather than "murder," in the author's famous Yoknapatawpha map (which appears in Absalom, Absalom!) to describe Joanna Burden's death at Joe Christmas' hands in Light in August is but one example of how Duvall refutes

---

himself appears to have played along, presumably grateful for any effort saving him from literary oblivion.

both Yoknapatawpha consensus within and the tradition of critical assessment without (19-36). In his examples, Duvall convincingly demonstrates that Faulkner does not portray a cohesive community that celebrates group inclusion, but rather emphasises a painful world of outsiders living under the fear of authority, usually, as Duvall reads it, some form of the will of the father. I would stress, however, that within the scope of Faulkner's fictional world acts of subversion and resistance, if more difficult (and so more necessary) than Watson acknowledges, are likewise more possible than Duvall allows.

Just as Faulkner's fiction explores the compulsions and coercions to conform, so too does it mark rebellion and outrage of various types, some of which defy that conformity, some of which unwittingly aid and abet it. Accordingly, this dissertation will consider Faulkner's construction of alternate, counter-authoritative expressions: the tensions and confusions of the extra-legal activity of mob violence, arson as social protest, and various forms of individual and communal defiance of the settled order. And, strikingly, the difference between legal and extra-legal in Faulkner's Yoknapatawpha is halting, if not indiscernible. So, for example, Faulkner often presents mobs in close association with formal legal proceedings. He thereby demonstrates how both formations are psychologically tangled with each other as forms of response to transgression in Southern regions. In Yoknapatawpha, the court and the mob carry out similar social aims of a narrow, homogenizing, compulsive enforcement rather than the supposedly opposite and mutually exclusive social expressions of adjudication for isolation of fact in the courtroom and general prejudicial rampage on the street. Light in August (1932), The Wild Palms (1939), and Sanctuary (1931) feature mob activity before, during and after legal proceedings respectively. (Joe's lynching prevents the impending trial in Light.) Such violence is an important part of the social outrage, or perhaps more accurately, usually male hysteria (the partial and unstable rather than the general and normative) of the historical Southern world. Faulkner, in these three examples as well as in the non-Yoknapatawpha novel Pylon, accordingly links mob activity only nominally with outraged, homogenizing conventional standards and more with male fantasies about women and female sexuality. Joanna Burden, Temple Drake, Charlotte Rittenmeyer, and Laverne Schumann are all suddenly transformed, as Duvall argues, into objects of collective male rape fantasies as they become triggers for mob activity (130).[12] But underneath such collective expressions of fear, which both create and extend from notions of chivalry, lie conflicted sexual impulses. Fantasy and fear, usually those of Southern white males, have the power to shape a social reality, then, that confirms all attendant fantasies and fears.[13]

---

[12] Other critics have noted the coercive power of communal fantasy constructions in Faulkner. For instance, as Deborah Clarke points out in "Gender, Race, and Language in Light in August," (1989), socially controlling chivalric impulses inspire southern lynch law, attempting to make even the strongest women in the community passive recipients of male protection (404-405).

Faulkner's representation of mobs depicts a social world always split, divided, at odds with itself. The mob represents an ostensibly cohesive community fractured by battling and submerged impulses which find outlet only in violent collective actions that, rather than confirming a genuine (if regressive) communal ground, suggest that various contradictory forms of unstable social fantasy constitute what counts as community. In fact, rather than drawing together community into an examination of itself, its history and social trajectory, the potential legal issues that Faulkner invokes to inspire mob responses reveal social fear and rage that lead to paranoic closures, not productive legal and social resolutions.[14]

---

[13] For example, Charlotte Rittenmeyer's posthumous characterization in court in The Wild Palms, as a married woman who still considered herself a free lover, incites mob rumblings as the expression of the communal will to redeem the memory of a woman who was, in actuality, far less transgressive than the fantasy women of the mob's own transgressive imaginings in Sanctuary, Light in August, and Pylon.

[14] In "Jefferson, From Settlement to City: The Making of a Collective Subject," Jacques Pothier argues that Faulkner depicts the community as embracing mob formation so the community can escape the psychological burden of law itself. In this transformation to a mob, community falls back "to the pre-symbolic rule" (40). This violent wish

Faulkner's work gauges rifts of every sort, various social separations and fragmentations that cannot find healing. If one accepts that a continued recognition of fragmentation and failed attempts to accommodate such fragmentation provide a general description of the dynamics within the Faulknerian universe, one sees the pressures on law that Faulkner inescapably commits himself to explore: law must either perform some of the work of this needed social healing or account for itself on other grounds, such as ritual. If law fails in both of these capacities, either to perform resolutions or account for itself on other social grounds, it is entirely unclear exactly what the large quantity of Faulknerian law is purported to be up to: it is precisely this lack of clarity about function and presence that characterizes law in Faulkner.

Certainly there is an attendant social anxiety about law everywhere in Faulkner: about law's ability to appear and evaporate; to totalize, slot, edit, scrutinize and omit; to destabilize or shore up social organization through its will and language and, notably, the will of its language. Notably, and certainly ironically, Faulkner suggests the increasing social anxiety caused by an intensifying legal world. Time and again, the author depicts characters

---

enacted en masse is a delirium of infantile regression, where "individuals give up their symbolic identity and merge into the mob, a surrogate identity" (41). According to this view, ironically enough, communal codes as they flee the social burden of living with codes in the first place.

advising other characters to acquire formal legal education, a necessity seemingly prompted by a rising cultural panic. In Absalom, Absalom!, for example, Charles Bon "corrupts" Henry from general undergraduate studies to the law faculty at the University of Mississippi.[15] And in The Sound and Fury, Quentin's attendance at Harvard marks the concession of the once prominent Compson family that new, specifically Northern, skills are needed if the family is to endure. Like Henry Sutpen and Charles Bon, Quentin Compson must somehow enter into a newly organizing and transformed world of business relations, social identities, and law.

While it is unclear exactly what career Quentin wishes to pursue, Rosa Sutpen in Absalom, Absalom! suggests to him the two traditional Southern vocations: lawyer or writer. That Quentin's father, Jason Compson, is a failed, alcoholic, and nihilistic lawyer himself, however, complicates Quentin's own intentions, since he clearly views his father as a failed authority figure on several levels. And yet both this institutional choice of Harvard and his

---

[15] In my conclusion I offer a reading of this briefly mentioned moment in the novel and how it may be read as Bon's gesture to impart the necessary personal and social survival skills to the rather hapless Henry, come what may of Sutpen's One Hundred and Bon's challenge of its meaning, future, and, indeed, owner, their mutual father, Thomas Sutpen. If the exploitive father cannot continue on in an inflexible world of southern dynasty, the implication seems to be, Henry and Bon will survive in a larger world of law, will enter in with the new empire-builders, ordering world and self from the socially architectural language of law rather than from plantation land.

Canadian roommate Shreve's specialization as a medical student strongly imply Quentin's own intended professional trajectory. As the final hope for the Compsons' social and financial restoration, Quentin seems prompted to become the social anomaly: the Southern lawyer produced by the elite Northern institution, the newly socially literate son whose return will reassert Compson Southern family honour.

Besides possibilities of personal (Henry, Bon) and familial (Quentin) redemption, the law degree sometimes holds promise for social transformation in Faulkner. In Light in August, for instance, Joanna Burden wants Joe Christmas to become a lawyer to carry on her social and political work as advisor to black Southern colleges. Burden's wish for Joe indicates the extent to which she sees him acquiring power in the official realms of the symbolic order. As an activist lawyer, Joe could attempt to reform and transform the social sphere of the South. Less idealistically, however, Colonel John Sartoris in The Unvanquished puts the need to be attentive to the coming social and structural transition plainly to his son, John, a law student:

> I acted as the land and the time demanded and you were too young for that, I wished to shield you. But now the land and the time too are changing; what will follow will be a matter of consolidation, of pettifogging and doubtless chicanery in which I would be a babe in arms but in which you, trained in the law, can hold your own--our own. (266)

Although Faulkner in these various moments in Absalom, Absalom!, Light in August, The Sound and the Fury, and The Unvanquished posits a knowledge of law as the best resource to face an increasingly ruthless and uncertain world, his lawyer is an isolated, lonely figure. As I read Faulkner, the operations of the law generate more anxiety than clarity in Yoknapatawpha; some of those personal anxieties are represented in the life of the individual lawyers. Significantly, Gavin Stevens, Horace Benbow, and Labove--that strange lawyer (and often critically overlooked character) in The Hamlet who becomes the school-master in order to be near Eula Varner--are all failed lovers, doomed romantics. For instance, Stevens himself loses his first and only love, Melisandre Backus Harris, early in life and goes on to lead a solitary bachelor life, translating the New Testament back to its original Greek as his chief hobby, a reclusive and dreamy, clearly asocial, language activity. Benbow in Sanctuary leaves his wife Belle Mitchell because of what appears to be masculine sexual anxiety, an anxiety for which he later tries to compensate by attempting to strike the socially defiant and linguistically commanding pose of defense attorney in a controversial rape and murder trial that is barrelling down on the Jefferson community with the force of a trainload of lawyers and gangsters. And Labove, choosing not teaching over the practice of law but proximity to Eula's fullness over a professional career, has his only emotional and affectionate compensation when he presses his face against the wooden seat of her recently vacated classroom chair, to capture against his cheek what heat he may. Although Faulkner characterizes such lawyer figures as painfully outside any world other than that of official and unofficial language games, Stevens in "Knight's Gambit" finds, or rather reclaims, love in a world of law when he rekindles his romance with the widow Melisandre Backus Harris, but only after legally driving her current suitor from the community.

Faulkner stretches conventional notions of the law and the world of unpredictable meaning that he gestures toward behind the law in other ways. He applies emotional notions of law beyond the workings of law to reveal hope and anxiety in individual lives, notably the rising Southern generation. The notion of the legal child, for instance, is important to Faulkner, who populates his work with such anxious, confused, and socially pressurized figures. Temple Drake, Horace and Narcissa Benbow, Bayard Sartoris, Quentin, Caddy, Benjy, and Jason Compson, Charles (Chick) Mallison, and Gavin Stevens himself are all troubled children of lawyers or judges who must face ethical and personal crises at central points in their respective texts. Often, these crises correspond in part to the very identities of these characters as either adult or adolescent legal children.[16]

Faulkner's most developed legal child is Chick Mallison, Stevens' nephew, who figures prominently in "Tomorrow," "Monk," Intruder in the Dust, and the Snopes trilogy. In his last appearance in Yoknapatawpha, preparing to complete his third year at the University of Mississippi Law School, Chick is poised to enter Southern legal culture and assume Southern linguistic and political authority. Faulkner suspends any further characterization of this figure, however, speculatively leaving open how or even if Chick will enter Southern society's future generation of lawyers and authority figures. Indeed, after having witnessed, as a boy, hegemonic society's formation in the mob to lynch Lucas Beauchamp in Intruder in the Dust, Chick seems prepared to reject that society wholesale. In The Mansion, then, Faulkner deliberately suspends a later and pressing moment of either cultural acceptance (with hope for transformation) or cultural abandonment (with the freedom to begin elsewhere) with Chick's impending graduation.

---

[16] I discuss such anxieties and some of their differing dimensions regarding particular characters over the following chapters, particularly in "Monk" in Chapter Three, briefly in "Tomorrow" in Chapter Four, in Sanctuary in Chapter Five, and in the idea of the southern legal child in the conclusion. The idea of the legal child seems, in fact, an entirely overlooked paradigm in southern literature, as these examples in Faulkner, as well as ones in Harper Lee's To Kill a Mockingbird (1960), Twain's Huckleberry Finn (1884), and Robert Penn Warren's All the King's Men (1946), will attest.

In this way, Faulkner leaves untold the story of his most interesting legal figure, the third-generation and, significantly, modern young Southern lawyer. The social and legal contradictions of which Chick would be aware and which have partly defined him are no doubt intense, for he has grown to young adulthood immersed almost entirely in the legal consciousness of his County Attorney uncle, whom he reveres, and in the contradictions of his region, of which he is inherently suspicious. I discuss the significance of Chick as Southern legal child, and of the paradigm of Southern literature's legal child more broadly, in the conclusion, where I propose that Chick represents Faulkner's latent hope in the author's otherwise usually cynical appraisal of law.

IV.

As I have indicated above, this dissertation evolved in response to my sense of the inescapability of law everywhere in Faulkner's Yoknapatawpha. At times law lies powerless in Faulkner's world; at others it proceeds unfettered by any social restraints to halt its gathering impetus. Law in Faulkner's complicated and contradictory positings stands as a largely undefined force beyond rules. Law is both an institutional structure framing and creating meaning but also the meaning, figured as hope, outside social structure.[17] In fact, Faulkner returns after strange fashions to the central problems of formal jurisprudence throughout his fiction: what is law? where are its limits and contradictions? what gives it force? who can be relied upon to speak not only from law but on law? how can legal systems ensure their own legitimacy? Faulkner pursues social questions of law as consistently and relentlessly as any respected jurisprude, I came to see, but obliquely and in a highly constructed world of his own making. But with the exception of Jay Watson's Harvard Ph.D. dissertation which formed the basis for his recent book on law and lawyers in Faulkner, no lengthy study of law in Faulkner has been published, though the subject is clearly important, pressing, and fraught with troubles for Faulkner. This study thereby addresses some of that troubled law, not only traces the nuances, patterns, and contradictions to which so relatively little critical attention has been paid, but argues that an edgy legal consciousness is a deep conditioning structure in and of Faulknerian textuality itself.

I have not arranged the dissertation chronologically but according to what I think are important issues of law in

---

[17] As Drucilla Cornell points out in The Philosophy of the Limit (1992), "the very establishment of the system as a system implies a beyond to it, precisely by virtue of what it excludes" (1). The "promise" of law, then, lies partly in law's perpetual gesture beyond itself to a still unconceived notion of justice.

Faulkner. While Watson's chronological account posits important developments, such as Benbow's replacement in Yoknapatawpha by Stevens (what Watson calls the development of the Faulknerian lawyer figure), it also runs into problems by having to generate questionable developments in order to keep pursuing consistently the thesis of a community benevolently watched over by an increasingly wise, astute, compassionate Stevens. In my study, by contrast, I have drawn together stories and novels in a blatantly sweeping motion that helps me discuss significant subjects and implications of law and the legal, illegal, and extra-legal acts in Faulkner's represented world. I do not propose that there is a clear pattern of development in the depiction of the social uses of legal rules in Faulkner but instead that he consistently returns with different, almost random, approaches and examples to sort through multiple contradictions in law's methods, visions, and operations: to law as a political force, a social philosophy, a bureaucratic system, a personal and communal problem. Although law itself is heavily methodized and methodological, and indeed constitutes the method of social methods, nevertheless in Faulkner it escapes any consistently methodical authorial approach. Rather, law constitutes a fraught zone of meaning, as both hope (though seldom realized in Faulkner) and coercion. Frustratingly, Faulkner leads up to and away from law as the site of the creation of meaning, while never fully engaging law's ability to create and enforce meaning. Faulkner both embraces and contests a world of law throughout his work. In the perceived absence of a Faulknerian pattern or approach regarding law's movements, I analyze texts that help illuminate the problems of law's presence in Faulkner's represented world.

The Faulkner texts I explore range from 1930 to 1940, certainly a troubling decade in America, stretching from the Great Depression to the beginning of World War II. To what extent Faulkner's engagement with law in his fiction is influenced by the types of national social upheaval in this decade is uncertain. He read voraciously and always denied doing so. He likely would have heard discussion about complex legal matters perhaps remote to non-Southerners, such as the Southern courts' ongoing resistance (until almost 1920) to Supreme Court attempts to enforce payment of public debt from the Civil War.[18] And he was regionally and culturally at the centre of recent legal conflicts concerning race laws, desegregation, Southern financial restructuring, and recurring eruptions of Southern violence that drew national, sometimes international, attention. Overall, Faulkner seems mostly to have been influenced by particular Southern rather than generally American concerns of law, more particularly by personal, family, and regional (Mississippi) pressures and incongruities, that is, to have been intensely localized in his thinking on what must have sometimes seemed to him an enclosed world of law and lawyers. So while the fact that the term "legal realism" entered American legal and scholarly vocabulary in 1930 offers a promising context to seize upon, whether controversial and almost unanimously (initially) rejected developments in academic discussion at Colombia Law School ever hit Oxford, Mississippi, is unlikely, though according to Morris Woolf, Joseph Blotner, and Jay Watson, Faulkner read widely in law journals, probably at Phil Stone's law office. To what extent Faulkner was aware of developing debates in formal jurisprudence is not my primary concern, though it is important to know he was historically and culturally positioned to be aware with little effort. More likely, the law Faulkner engages is more mysterious than that which the author saw and heard around him; Faulkner engages law as a largely undetermined and imaginative zone for the creation and manipulation of meaning within his imaginative zone of Yoknapatawpha.

---

[18] See John V. Orth, "The Virginia State Debt and the Judicial Power of the United States," in Ambivalent Legacy: A Legal History of the South (1984), ed. Bodenhamer and Ely, Jr., pp. 106-22.

The representation of law I am most interested in exists as a powerful and relatively overlooked dynamic in Faulkner's fiction. By "law," I do not mean solely legality or existing legal arrangements as Faulkner represents them.

I also aim, more broadly, at social history in Faulkner, forms of consciousness, the hope for stability, problems of personal ethics, and the encoded political management of a community. I do not presume to answer that unanswerable question that fuels and drives the study of jurisprudence--what is law?--though I offer various accounts by legal thinkers on the subject. Accounts of law, after all, as Matthew Kramer recently asserts, unavoidably tend to beg all their own questions. As Kramer points out, the central role that H.L.A. Hart, for example, assigns to legal officials in being able to know what to do in a legal situation (through Hart's famous rule of recognition[19]) plunges us into the hermeneutic circle: "a whole (such as a whole legal system) can be known and described only through its parts, yet the parts in turn are dependent on the whole for their own identities" (80). The aporia in Hart's formulation to which Kramer refers, following Nigel Simmonds, is that since society identifies the law by reference to official behaviour (in the form of the rule of recognition), we cannot then identify officials by reference to the law (79). While society as a whole seldom troubles itself with such potentially unsettling distinctions, the law itself seems to avoid them.

---

[19] In the second edition of The Concept of Law (1994), H.L.A. Hart distinguishes between primary and secondary rules of law. While primary rules "are concerned with the actions that individuals must or must not do," secondary rules are concerned with the primary rules themselves. Hart calls such a secondary rule that "rule of recognition," since it specifies the nature, limits, and applicability of the primary rules. Hart argues that the introduction of the rule of recognition helps remedy the uncertainty of a regime of primary rules (94-5). Hart allows, however, that the accurate functioning of the rule of recognition will depend on the skill of the interpreter (97). I would argue that the source of law as defined here thus lies in the interpreter, judicial or otherwise, and not in the schema of rules that supposedly ensures the scope and validity of other rules.

Law can seldom be held still for scrutiny because of such and other inherent contradictions. "Law" in this study is thus sometimes expansively defined as a heuristic force whose characteristics defeat definitions, though I confront whenever I can Faulkner's own attempts to assign or undermine specific and multiple meanings for law. Problems of legality are often problems of definition themselves, just as problems of definition account for, as Kramer notes, "the founding ambition of mainstream jurisprudence--the aim of representing law accurately" (98). As Kramer further notes, "[i]t may turn out that law is nothing other than that which stymies representation: law as the law of unrepresentability" (98).

While I am attracted to Kramer's view in the abstract, and to the views of many scholars writing in what is broadly called the Critical Legal Studies Movement, I believe that law is less than nebulous, but also still a social texture more than a settled structure. I believe that law in its actuality is that which legal officials do, for whatever reasons they tell themselves they do it: precedent, evidence, a sense of history, compassion, deterrence, duty, activism. In this sense, I subscribe to legal realism. I also subscribe, however, to the notion of the capable legal actor, whether lawyer, judge, or lay person, and thereby escape nihilism by believing justice is possible, never assured, through such individuals. Faulkner, I argue, believed in such individuals as well, and his literary quarrel with law stems from the assertion of such individuals as hope in an otherwise bleak legal landscape.

As I have indicated, my dissertation undertakes to address a significant critical blindspot in Faulkner studies, and advances one of the still relatively few extended law-in-literature Americanist studies. In addition, I bring to a study of literature several sources from Critical Legal Studies, which often refers to instances of literature to illustrate points, but for the most part exists apart from law-in-literature work. Besides attempting to bring together Critical Legal Studies and literary analysis in one study, I offer extensive analysis of overlooked Faulkner texts, such as "Smoke," "Tomorrow," "Monk," and "Dry September," as well as new work on well-known texts such as "A Rose for Emily" and "Barn Burning." I also read the major works, Light in August, Sanctuary, Requiem for a Nun, Absalom, Absalom, Go Down Moses, and The Hamlet, according to a frame of law and legal consciousness and discover new structural and thematic patterns as well as new consequences for interpretations of Faulkner's literary world-building, his "forging" a world with words, an undertaking similar to that of the law itself. By ranging over many of Faulkner's texts from the thirties and finding a great amount of law there, my study also inevitably contends against Noel Polk's claim that law in the Faulkner of the thirties is only of genuine importance as the architectural symbol of the courthouse on the Yoknapatawpha landscape (227).[20]

Chapter One lays out a theoretical, historical, and cultural account of some of the problems and contradictions concerning law's purposes, handling, content, and social presence. I explore some of the scholarly thinking on the contradictions of legal as opposed to communal authority, legal decision-making, rule-following, and the attempts generally in formal law to create a world both of and for itself. In this chapter I also discuss Southern social practices, extra-legal space, Southern violence, the dynamics of massive defiance, and certain historical and cultural instances and peculiarities of law in the region.

Chapter Two discusses "Barn Burning" (1939) and "A Rose for Emily" (1930) as examples of particular individuals' defiance of differing forms of law within the South, specifically of a lingering exclusionary feudal order of New South society in "Barn Burning" and of a resistance to an increasingly formal legality in "A Rose for Emily," as Emily's community modernizes beyond her but attempts to preserve its cultural link with her. This chapter treats the acts of defiance in both stories as curious forms of legal protest, forms that are either not fully recognized or not acknowledged by the community as a whole. This chapter discusses law's economic ordering of regional society in "Barn Burning," and how this order excludes poor whites from any genuine community or any tenable position in a courtroom. I also explore how, in "A Rose for Emily," Emily's increasingly individualized cultural currency, despite the advent of the faceless citizen through law, deflects the rule of law, and with it the community's conflicted negotiations for its own nostalgic and self-justifying purposes.

---

[20] It shows the relative weakness of criticism on my chosen topic that Polk, one of the only critics besides Watson and Duvall who has written more than one article on Faulkner and law, would advance this dismissive claim.

Chapter Three reads "Dry September" (1930) and "Monk" (1937) as representations of socially sanctioned injustices. In both stories, a figure of initial ethical resistance is drawn into the vigilante ("Dry September") or institutional ("Monk") momentum and thereby becomes a central (and sanctioning) participant in the unjust action. "Dry September" offers a bleak world of coercion, role-playing, and death, where the social triggers for the unfolding violent action are really non-existent and known to be so by all parties involved. Cultural law conditions action and choices here despite the presence of self-awareness and glimpses behind the role-playing. "Monk" features Chick Mallison as a young, apparently first-time narrator and foregrounds his urgency and sense of guilt in relaying to readers the story that his County Attorney uncle has told him. "Monk" is a deep, inside story involving a series of legal and institutional omissions and indifferences that have come back to haunt Stevens and his nephew, though they are not involved in the original incidents. Their guilty involvement, however, is both implied and self-perceived, precisely because they are present and future members of the legal order which has wrongly pulled the severely mentally handicapped Monk into its scope of operations with no protective mediator between Monk and institutional force.

Chapter Four compares and contrasts two stories from the Knight's Gambit collection and discusses how emotions play central, if hidden, roles in the structuring, as well as success or failure, of legal moments. I read "Smoke" and "Tomorrow" together in order to discuss this complex interplay of law and emotion. In the first story, emotion is manipulated by Stevens to create a dubious, probably false, legal space that, in its present moment, only seems to exist. "Tomorrow" presents an emotional revenge of sorts on law's ordering and social prescriptions that finds its embodiment in a tenaciously silent and only apparently unemotional juror, Stonewall Jackson Fentry. Fentry's is one of the very few successful resistances to formal law in Faulkner's fiction. (Emily Grierson and Linda Snopes Kohl stage the only others, though significantly, these resistances do not transpire in formal legal space). This chapter also features an examination of Stevens' presumptions about law, as a young defense attorney in "Tomorrow" (his first court case) and subsequently as an experienced legal manipulator for the state in "Smoke."

Chapter Five explores the links binding women, community, and law though discussions of The Wild Palms, Sanctuary, and The Hamlet. In reading the first two texts, I discuss the representation of women in the court space, as well as the social presumptions and contradictions behind those false and formal representations. And I explore ideas of contracts and transference of property in The Hamlet, in particular the implications of the contractual trade of the pregnant Eula Varner by her father, Will, to Flem Snopes in what amounts to a marriage deed. This chapter also pays extended attention to the confusion of legal and illegal zones in Sanctuary and argues that the supposedly distinct notions of a distant gothic underworld and an immediate respectable society are broken down. Characters from these separate spaces become increasingly implicated in each other's worlds: the daytime world of Jefferson politics and its legal and social arrangements and the nighttime world of bootleg and brothels. This section also argues that the possibility and implications of an indeterminate legal deal controlling Sanctuary's courtroom action entirely erase any notion of formal law unfolding in juridical space. This novel provides a good example of how law in Faulkner can be both fully present and fully erased, shrewdly erasing itself out of moments of its own collapse and crisis in the midst of community.

Chapter Six argues that Faulkner strongly suggests that law easily becomes an autonomous system. I discuss the various ways that legal and civic narratives seem to be spinning themselves out and onward, somehow beyond even the collective agency of those individuals and officials directly involved in their workings. Law is treated here as at once a dubious political art form (social narrative, judicial theatre, sculpted reality) and a self-propelling machine, one that seems to be generating its own materials in the production of legal acts. This chapter also attempts to draw on the contradictory tensions of law as an organic-mechanic concept, both productive of culture and, as a social phenomenon, productive of itself.

In the conclusion I argue that Faulkner's depictions of law reveal its suspended condition. Although characters in his world are constantly touched by law, legal forms and legal consciousness, the multiple meanings of law itself become represented only in events that either precede or trail after the working of formal law. Briefly, I also explore the significance of present and future lawyers in Absalom, Absalom! and The Unvanquished so as to demonstrate how, sometimes subtly, sometimes blatantly, Faulkner envisions the promises of law as both fulfilling and frustrating cultural expectations. And I discuss, more broadly, some of the implications and contradictions of Faulkner's fictional narratives containing and destabilizing representations of legal narratives. The conclusion's main work, however, lies in proposing that Faulkner's idea of the Southern legal child represents, but only ambiguously, the hope of law.

The dissertation, then, begins with defiance (in my analysis of possibilities for defiance in "Barn Burning" and "A Rose for Emily") and ends with repression (in my argument positing law's strange control in Faulkner's fictional world to the point of law's lifting off the social world of events and individuals it purportedly represents). The conclusion, however, also opens up possibilities for the subversion of an unjustified legal control and authoritarian closure by asserting that Faulkner's own narrative technique--not least of all his constantly moving, shifting, sliding language of doubt and discrepancy and his continual presentation of indeterminate and uncorroborable events as unverifiable "knowledge"--works to undo the presumptions of the models of legal narratives operating within his own literary narrative. Finally, the dissertation ends by embracing the suspended hope of a new Southern legal consciousness, glimpsed but not fulfilled earlier in Bayard (II) Sartoris in _The Unvanquished_, Joanna Burden in _Light in August_, Ike McCaslin in _Go Down, Moses_, and Charles Bon and Henry Sutpen in _Absalom, Absalom!_ and extinguished entirely in personal despair in Quentin Compson in _The Sound and The Fury_. But Faulkner figures his final and most resilient instance of a rising legal consciousness and conscience in Charles (Chick) Mallison, who appears periodically in Yoknapatawpha as a responsive but baffled first-person narrator and second-hand witness.

CHAPTER ONE

LAW AND SOCIETY:

SOCIAL CONTEXTS AND SOUTHERN INSTANCES

William Faulkner's fiction constantly explores how law and community construct each other. The constitutive dynamics of law and society form some of the central issues of Critical Legal Studies debate and much work on law and literature generally. In _The Promise of American Law: A Theological, Humanistic View of Legal Process_ (1981), for example, Milner S. Ball examines how questions about the nature of authority have always been at the centre of any considerations of law, especially the question of law's derivation of its own authority. Ball recognizes a continuing tension between the two possible sources of the authority of law in America: between a material source of law's authority, such as the Constitution, and the authority of the concept of "the people." Ball argues that in a nation where law has permanence and authority over people, "law requires a source other than people for its legality" (8). Locating and fully explaining this source are two of the ongoing tasks of law, which, without fully satisfying the task, still requires that there be, as Ball states, "a surrender of a preexisting individual power to another entity" (14).[1]

---

[1] This other entity is one or all of the state, the law, legal writing, and, in Ball's discussion, the American Constitution. In American history, questions of authority

In The Mythology of Modern Law (1992), Peter Fitzpatrick also discusses the elusive nature of law's authority--"law's mythic singularity"--and refers to W.H. Auden's poem, "Law Like Love," where the poet advises against identifying "'law with some other word'" (9).[2] Fitzpatrick asserts that there are two traditional ways of conceiving of law: "one would reduce law to the word 'authority' and the other to the word 'society'" (9). Fitzpatrick explores how there always was and still is "a contradiction between law as a simple command of a sovereign and law as project, model and obligation, dependent on popular support and adherence" (87). Fitzpatrick explores the contradictions inherent throughout the definitions and functioning of law, arguing, for example, that law still continues to bear some of the characteristics of a god, "deriving its force and origin purely from its intrinsic being" (55). Although he exaggerates when he states that law's effects are formed magically (55), Fitzpatrick

---

have been particularly vexed by debate over how much sovereignty is located in the idea of the state and how much in the idea of the people. For detailed discussion of the question of state authority, values (as opposed to rules) that allow individuals to submit to authority, and the deliberate limits set on democracy by the Founding Fathers, see Sheldon Wolin, "The Idea of the State in America," in The Problem of Authority in America (1981), ed. John P. Diggins and Mark E. Kann, pp.41-57.

[2] In this poem, Auden's speaker indicates that it may be "absurd/ to identify Law with some other word." The speaker is compelled to make his own formulation nonetheless and ventures that law is like love. W.H. Auden: Collected Poems, ed. Edward Mendelson.

provides a provocative discussion of the law's ambiguity and presumptions as a type of social action that holds within itself notions of both the ideal and the normative and attempts to remain outside of that which it controls, modifies, and creates. Fitzpatrick views the law as a presence that always attempts to convey the totality of its history, though such a conception of force through history is not logical but rather mythic (41). Citing other CLS scholars, Fitzpatrick states that the myths suffusing law are necessary to its being, since one social function of myth is to provide a sacred narrative of origins and transformation, mythic qualities that, paradoxically, establish the world as real (19).

A central question being asked through different routes of inquiry, then, is this: how does law operate in a social and therefore contingent world yet exist separate from and dominant over it? Is law capable of rendering and responding to plausible descriptions of the world and of acting convincingly to enforce, without solely the appearance of force, those descriptions? For a "legal realist," a term that came into currency in America in the 1930's, law is not capable of such convincing description and responsiveness, and is largely seen as an always suspicious ideology establishing a social order through acts of will of the powerful. According to Robert Gordon, legal realism takes as its subject "the function or dysfunction between law and major trends of social development" (83). Gordon points out that the two great antagonistic parties in modern American legal thought, the Formalists and the Realists, disagree regarding conceptions of law's ability or even necessity to adapt to changing social needs. For the Formalist, "the legal system is the domain of the legal specialist"; for the Realist, "law is what officials do about disputes" (82). As Gordon sums it up, Formalists believe that the social and functional part of their task will best be served "if lawyers and judges are not thinking about society at all but only about perfecting their own craft, because a logic of liberty or efficiency is inherent in the practice of that craft" (83). For the Realists, such a proposition of sealed activity is ridiculous, though they believe some degree of legal autonomy is desirable to ensure that legal policy-makers are insulated from short-term political pressures. For the Realist, then, the Formalist's exclusive concentration on the development of legal doctrine is a dangerous "abstraction from concrete social forces" (83). The debate over conceptions of legal autonomy, as Gordon frames it, goes to the centre of concerns about both law's authority and law's responsiveness:

> one of the properties that makes...legal norms and practices [what they are] is that they at least appear to stand aloof from the everyday conflicts of civil society and to provide stable structures for the mediation of those conflicts. The classic preoccupation of legal sociology has been to try to pin down what's in this 'autonomous' realm and theorize about its relation to the rest of society. (88)

Gordon himself seems to come down on the Realist side of attitudes toward formal law, pointing out that it was Realism that demonstrated that "judging, like legislation and administration, [is] political policy-making" (89). But he also questions whether the definition of Formalist professional legal activity--that definition given _to_ the Formalists--is really an accurate description of their legal scope and interests. Gordon notes that the activities and outcomes of autonomous legal forms are not best understood as the pristine products of a culturally isolated tribe of beings: "Would any society tolerate lawyers as mediators of disputes, practical problem-solvers, or instruments of legitimate rule if the lawyer's practices didn't resonate at all with anyone else's?" (89). Gordon thereby attempts to resolve the problem of an at once privileged and supposedly dysfunctional legal autonomy by suggesting that legal forms and practices become embedded in "relatively autonomous" structures that somehow both transcend and help shape the content of society (95). This account of law as both in and apart from the world, however, does not lessen or necessarily redeem the prospect of the other possible variation Gordon cites: that law is never simply an objective response to objective historical processes, never as benign as a neutral technology suited to society's particular needs. Indeed, the likelihood that, according to Gordon, legal forms and practices are the political products that "arise from the struggles of conflicting social groups who possess very disparate resources of wealth, power, status, knowledge, access to armed force, and organizational capability" (94) represents to my view the most accurate overall account of the continuing evolution and often concealed operative force of law. This second account, however, does not, and perhaps cannot, establish whether this is necessarily how those with legal authority see their own enterprise.

Questions about the interaction of the activities and beliefs of community and the force of formal law are infinite. They include the necessity but perhaps impossibility of separating rules from values; the source of the authority of the one realm over the other (ascending and descending accounts of law's authority, for example); the gulf between actual social practices and customs and requirements of written regulations; and the need for law to be both accountable to its own history as a written record and accountable to a constantly changing social reality that is often already much ahead of, or at least differently evolved than, the institutions that supposedly represent that social reality. These concerns are in turn complicated by the never fully understood nature of the constraints that attempt to regulate not society but the legal process itself in its own attempts to regulate society.[3]

The nature and motivations of rule-following are always complex, especially when one attempts to discern how judges follow rules, or not, as society's most powerful interpreters and enforcers of rules. For instance, Christopher Norris, a literary theorist who has turned some of his attention to law, points out that what actually constrains judges is extremely unclear. Since any notion of rules cannot decide a case independently of someone applying (that is, interpreting) the rules, judges may be seen as "never constrained by existing law but exercis[ing] an ultimate freedom of choice, even where they choose to think themselves so constrained" (170). Even when acting within a concept of precedent--significantly, as they read the existence and meaning of precedent--judges do not always act within a clear legal obligation that prevents them from acting or judging differently than they have.

---

[3] For two well-known accounts of the nature of interpretive constraints in judicial decision-making, see Ronald Dworkin, "Law and Interpretation," Texas Law Review 60: 527 (1982), and Stanley Fish, "Working on the Chain Gang: Interpretation in Law and Literature," in Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies (1989). Dworkin envisions judicial decision-making as limited by the number of moves a judge can manage and still be a "legitimate" part of a complex enterprise of structures, practices, and decisions already shaping legal history, that is, the "chain." In my opinion, Fish provides a more complicated view by asking, for instance, what would it mean for a judge to strike out in some new direction? How would we know, unless she ceased behaving and performing as a judge altogether? Fish also asserts that the duty of a judge is to rewrite legal history, that is, to make decisions rather than believe a found legal history exists independently of interpreting that history.

Norris discusses how the growing enterprise of Critical Legal Studies continues to question what H.L.A. Hart famously argued is a core of "settled meaning" supposedly agreed upon in legal decision-making. Hart proposed the "rule of recognition" by which legal referees could determine valid moves in decision-making (Benson 34-35). While never a perfect fit, legal rules are supposedly always clear and flexible enough--and self-evidently so--to match up to the facts of particular cases. Norris, contending against Hart's thinking on the subject, explores how those who reject the Realist or CLS propositions on the partial or even sheer open-ended textuality, indeterminacy, and political nature of law and judicial decision-making inevitably resort to a supposed common-sense position. This fall-back position denies that there was really any problem in the first place:

> Thus Hart rejects scepticism--or the notion that judges 'make' law--in favour of generalized assurances that valid inferences do in fact occur, though often on the basis of complex judgements which cannot be reduced to any hard-and-fast 'rule'." (172)

However comfortable Formalists such as Hart seemed in their appeal to the notion that there are standard and uncontroversial conventions of legal understanding, Norris argues that what allows deconstructive approaches an increasing edge in matters of legal interpretation and the politics around such operations, really always textual operations, is the deconstructive emphasis on showing up "the latent strains and contradictions which [otherwise would] find no place in philosophies of meaning founded on the dominant consensus view" (191). Norris thus suggests that there is always a constant tension between "the text of the law and the law of the text," and although "[t]he enactments of law are none the less real for existing in the form of (literally) textual inscriptions" (192), there are sufficient reasons to doubt the traditional assurances behind the clarity of the derivation of such commands.

Such significant and ongoing challenges to legal certainty and its faith in a core of settled meaning, clearly detectable fits between rules and cases, inherent constraints on decision-making, and other aspects of legal orthodoxy, may not seem surprising to present-day readers. Placed in an historical context, however, these challenges may be seen to have accomplished much in a relatively short time in changing the attitudes that shape American law. In The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy (1992), for example, Morton J. Horwitz argues that Realism is a "continuation of the Progressive attack on the attempt of late-nineteenth-century Classical Legal Thought to create a sharp distinction between law and politics and to portray law as neutral, natural, and apolitical" (170). Horwitz explains how legal realism crystallized in America in 1930 when Karl Llewellyn published the essay "A Realistic Jurisprudence--The Next Step" in the Columbia Law Review and Jerome Frank, the same year, published the "radioactive" Law and the Modern Mind. Horwitz states that, for Frank anyway, these studies resulted in professional and academic excommunication: his opposition prevented his appointment at Yale Law School through reference to the controversial book (176-179). According to Horwitz, Frank's book, which features the first use of the term "Legal Realism," challenged the claims of the "self-executing character of legal reasoning" (177), and went so far as to question law as one of the few remaining sources of objectivity or certainty in a post-religious age. According to Horwitz, Frank

> suggested that law had come to replace religion as the main focus of the yearning for certainty.... [This] challenge not only to the possibility but also the desirability of legal certainty was received by the legal profession with as much enthusiasm as Darwinism had been greeted by Protestant ministers seventy years earlier. (170)

In his comprehensive legal-historical account, Horwitz points out that legal realism was not really a movement since it owed so much to the pre-War Progressives who were already questioning mechanistic jurisprudence with an optimistic belief that it would be incrementally replaced by more responsive juristic methods. Horwitz also argues that legal realism was greatly underestimated as a valuable social and legal undertaking in establishing the legal significance of "the socially constructed character of frames of reference" or "cognitive relativism" (182). In fact, suggesting the degree to which he believes it was wilfully misunderstood and unfairly discredited, Horwitz writes that for years after legal realism's "emergence," or rather its renewed articulation in Frank's book, "the only notion that many educated people associated with Realism was that it asserted that a judge's decision could be traced to what he ate for breakfast" (176). And although emerging from Columbia and Yale law schools for the most part, and representing, in Horwitz's estimation, "perhaps the earliest [legal] intellectual expression in America of cultural modernism" (181), legal realism, as the American legal community understood it, was dismissed as challenge to the conception of the "autonomous system of legal thought" (193).[4]

I.

These various questions and concerns about legal action and decision are central to discussions of the nature of law's authority. These inquires can be complicated by the regional contexts in which law seeks to operate. Certainly Faulkner's depiction of law foregrounds peculiarities of regional context, regional conditioning. The unusual particularities of the Southern region, especially the pronounced historical Southern perception that a self-contained world can be effectively built and rigorously maintained,[5] are central to the rich complexity (perhaps inevitably confounding consistent analysis) of Faulkner's sustained attempt to depict a fictional world of law, custom, and tightly bound community. Since Faulkner's representations of law occur in the South, the author brings into play and examines those cultural factors that are as insistent as the formal rules themselves, exploring the ways that law is subject to far greater unofficial communal authority than is formal law in non-Southern states. Law as a type of cultural phenomenon thus becomes particularly complicated--both contested and compounded in strange and notorious ways--in the South, its own cultural phenomenon.

---

[4] While the Legal Realists were not as immediately influential as Horwitz argues, and some Realists later greatly modified their claims, Legal Realism's impetus to interrogate the presumptions of the legal system and the source of authority that legal representatives presume to act on has inspired recent examinations of law, notably those contributing to C.L.S. For a contrary view to both the positivist view of law ("law is law") and the cynicism of the Legal Realists, see Dworkin's notion of "law as integrity" in Law's Empire (1986). For a further critique of Legal Realism, see H.L.A. Hart's The Concept of Law, pp. 136-41. Hart understands Legal Realism as a type of "rule-skepticism."

The internationally notorious 1955 lynching of Emmett Till, the fourteen-year-old black Chicago youth visiting relatives in Mississippi, is perhaps the most glaring example of the dangerous and compelling force of some elements of the community that have always been prevalent in Faulkner's home state. When Till whistled at a white woman, he was abducted, castrated, and murdered by a mob of white men. The case underscores the contented failure of formal Mississippi law to enforce legal claims for criminal accountability and social equity, that is, the failure of law to gather itself sufficiently to face down a popular, localized injustice and force a legal reckoning. As Robert Holton explains in "Bearing Witness: Toni Morrison's Song of Solomon and Beloved" (1994),

---

[5] Consider, for example, W.J. Cash's claim in the Mind of the South (1941) that by 1840, in "all Dixie ... only a dozen or so men of the greatest and most impregnable position ... would be able even mildly to express doubts about the institution [of slavery] in public without suffering dismaying penalty" (92). Cash goes on to formulate his famous theory of the South's "savage ideal: the ideal whereunder dissent and variety were completely suppressed ..." (93-4).

> [i]n spite of worldwide publicity and international protest, in spite of the fact that the identity of the killers was not in serious dispute--in fact there was eyewitness testimony given by the black man who witnessed the abduction--no one was convicted. (80)

Holton points out that the case was also significant in other, if ultimately ineffective ways,

> since at that time it was one of the rare instances in Mississippi of a black person (Mose Wright) testifying in a murder case against a white. Certainly the testimony seems to have carried little weight in court.... (80)

In this historical example, then, formal law is turned aside by a significant number of (white) Southern inhabitants, and obviously the entire local formal justice system. Here the prospect of formal law operates in tension with dominant (in every oppressive sense of the word) community interests and actions. The rule of formal law and the tolerance of genocidal communal activity emerge as counter-discourses that not so much openly contest each other as exist, strangely, in separate contexts. As Robyn Wiegman points out in American Anatomies: Theorizing Race and Gender (1995), "[l]ynching is about the law ... the Symbolic as law, the site of normativity and sanctioned desire, of prohibition and taboo" (81). So lynching enforces white cultural law over and against the written law that, at least nominally, extends rights and citizenship to Southern blacks. That is, lynching supports the dominant community's socio-symbolic logic in that the practice operates according to its own enforcement of borders and, as Wiegman observes, "figures its victims as the culturally abject" (81) rather than as the new bearers of legal identity in the post-bellum age.

In the practice of lynching in what seems a type of closed society, the failure of formal law--a failure both because lynching occurs and because lynchers are not usually prosecuted--raises two important points. The dominant community preserves its strong but unofficial rights to infringe upon the legal but socially weak rights of others. This formal failure of rights and duties (through the violent colloquial maintenance of a social world) suggests how law is, in this case, detrimentally embedded in a powerful social narrative of custom and tendency that law itself cannot correct or deter, that is, lift off from and turn its resources back upon, despite how regressive those tendencies may be. And what it cannot fully correct, law will inevitably have to contend against. Opening up a number of social contradictions that strengthen the power of social narrative but weaken law, law, it appears, can fail in such a confrontation.

In the Till case, law seems to have had no traction because its immediate community, including particularly its justice community, did not have that which Robert Cover in "Violence and the Word" (1986) observes is necessarily undergirding every genuine legal interpretation: "A legal world is built only to the extent that there are commitments that place bodies on the line" (1605). The bodies Cover evokes are those of the legal order at all its levels and not only those of lower-ranking law officials, such as police. Cover is ultimately speaking of judges' bodies and those who, whether realizing it or not, do or would protect the social ability of judges to make binding legal decisions. So Cover is also ultimately speaking of civilian bodies, lay persons. Since in Till's abduction and lynching, and in the subsequent failure of law to punish his murderers, the only body placed on the line was Till's, and not by his choice, all reasonable conception of a legal world with its attendant commitments crumbled.

Heightening the paradoxical sense that law is both socially fragile and inherently militaristic, Cover writes that legal interpretation must be prepared to hold within its scope "the conditions of effective domination" ("Violence" 1616) or there will inevitably occur a crisis of credibility for law. Legal interpretation must be capable of moving beyond its strategies for reading a given social text before it and must be prepared always to transform itself into action. Cover points out that legitimate legal interpretation

> must be capable of overcoming inhibitions against violence in order to generate its requisite deeds; it must be capable of massing a sufficient degree of violence to deter reprisal and revenge. ("Violence" 1617)

Delving beneath the comforting civil facade of formal legal engagements to the ways that law depends on psychological and physical violence, Cover observes that "[w]ere the inhibition against violence perfect, law would be unnecessary; were it not capable of being overcome, law would not be possible" (1613). Suggesting what a legal system must ultimately be prepared to mean, Cover asserts that "the interpretative commitments of officials are realized, indeed, in the flesh" (1605). A judge's--a legal system's--

> interpretive authorization of the 'proper' sentence can be carried out as a deed only because of these others [those who are prepared to suffer]; a bond between word and deed obtains only because a system of social cooperation exists. ("Violence 1619)

In the Till case, as in many other Southern lynching and vigilante episodes, formal law may be seen not defeated as a power, but rather deliberately unengaged as a compelling force, as a meaning. A space between the social organization of law as power and the competing claims on law as meaning thereby opens, where the lynching and the forms of Southern vigilantism occur in that dangerous and confused space, in the peculiar regional suspension of law but still within widely sanctioned social practices.

In the Southern context, as Southern legal historians (such as Ely, Jr., Bodenhamer, and Friedman) and Southern authors beside Faulkner (Mark Twain, Harper Lee, Lillian Smith, Pete Dexter) have claimed, law engages only selectively, at once enabling a spontaneous and momentary unlawful social regime and, in strange accommodation, conserving itself as law as power by exempting itself as law as meaning. By handing authority over entirely to the chaotic free-form social narratives in select, usually opportunistic racial or socioeconomic crises, law in the Southern context abandons the requirements of institutional justice, as Cover describes them, when it becomes most dangerous to place law's own authorized bodies on the line. That is, Southern law yields to Southern lynch law where formal law stands least likely to test itself against other social commitments outside its formally enclosed system. In essence, law in moments of crisis in the Southern United States too willingly concedes its own embeddedness in coercive social narratives to qualify as justice. Law in certain Southern contexts, such as lynching, tests neither its own resources for, in Cover's terms, "world creating" ("paideic" ability) nor its own will for "world maintaining" ("imperial" impulses) against the particular social narratives which it is both subject to and partial creator of.

The history of Southern resistance, sometimes massive resistance, to written, formally argued, and seemingly reasonable law is significant in that it demonstrates on a grand scale the problems of a legally fashioned world in constant tension with a community whose social commitments it cannot seem to deter, contain, or change with its own threats of force and penalty. Faulkner's native region nearly defined this notorious entrenched tradition of sanctioned lawlessness that characterizes the dominant Southern culture, those powerful in their social context through either position or race. The apparent contradiction of a widespread violent sanctioned lawlessness, however, demonstrates what is perhaps less obvious elsewhere at all times: that law is compelling and transformative only when it is held together by the force of interpretative commitments, whether private or public. In "_Nomos_ and Narrative," Cover states that "[t]hese commitments--of officials and of others--do determine what law means and what law shall be" (7). As Cover sees it, a "_nomos_," a normative world built by both law and the narratives in which law is embedded, is

> a present world constituted by a system of tension between reality and vision.... By themselves the alternative worlds of our visions...dictate no particular set of transformations or efforts at transformation. (9)

Law, according to Cover, gives social vision its only depth of field, by placing one part of that vision "in the highlight of insistent and immediate demand while casting another part in the shadow of the millennium" (Nomos 9). Cover notes that law, what one may think of as precept, is defined by social control, by its methods of articulation, and its effects, but that

> the narratives that create and reveal the patterns of commitment, resistance, and understanding--patterns that constitute the dynamic between precept and material universe--are radically uncontrolled. (17)

Citizens may then share precepts nominally, but often do not share perspectives on the attempts of authoritative narratives to shape social significance.

The notion of "Southern justice" openly contests law's authority and acts on the cues already both endorsed by and shaping the Southern social narrative. According to Howard Smead in Blood Justice: The Lynching of Charles Mack Parker (1986), this unofficial regime that held social authority over mostly black males, but over women and poor whites as well, was not directly or substantially challenged by a larger national attitude until the 1934 white mob lynching of the black man Claude Neal for his alleged murder of a young white female neighbour, Lola Cannidy, with whom he was romantically involved. Smead reports that after

> the public spectacle of the Neal lynching..., national condemnation of the white mob and those who sought to explain away the practice of lynching by touting interracial rape as the prime cause was so widespread and uncompromising that local Southern leaders had to state openly their opposition to lynching to save face, if for no other reason. (x, xi)

In the aftermath of this particular lynching, enacted by a mob that grew into the thousands and which included Neal's abduction from Alabama police custody and his torture lasting ten hours in which there was forced self-cannibalism, "even the Department of Justice, which had always remained aloof from lynching matters, began to instruct worried citizens who wrote [to] it how they might best seek help from local and state authorities" (xi). Through the Neal lynching, then, Southern law, powerless initially and choosing to accept that position for its own purposes, was forcibly rearmed by public opinion outside its immediate regional interpretative community. In a reversal of authority, law itself is compelled to be active by the commitments of those in an extended community. The notion of the officials' "saving face" in the "public spectacle" of this particular lynching further suggests not law's intrinsic power in this violent social context, but a suddenly channelled legal authority socially governed.

The racial, social, and sexual tensions that characterized the Neal lynching were typical of past

Southern lynchings.[6] The aftermath of national public attention, however, had made the South accountable in an unprecedented manner for this cultural practice. As a result, the 1959 lynching of Mack Charles Parker was much more culturally and legally complicated. It was one of the last lynchings in America after international outrage over Neal's in 1934 and Till's in 1955 had seemed to make such ritualized public spectacles almost entirely a matter of the past. Typically, in the M.C. Parker lynching there were the charges of interracial rape, a mob sweeping down upon a jail with possible police co-operation, widespread awareness of the intent before its unfolding (making it a conspiracy rather than a violent eruption), and, of course, no subsequent punishment for members of the mob. The unusual legal aspects of the M.C. Parker case before its final degeneration into a lynching are most significant, however. They illustrate an emerging local institutional challenge to the entrenched, violent white Southern response, and signify important changes in the social and racial aspects of the Southerners' own, not an alien or imposed, legal system.

---

[6] For a detailed analysis of lynching as southern ritual, stylized violence, and exorcism of imagined black sexual threat, see Trudier Harris, Exorcising Blackness: Historical and Literary Lynchings and Burning Rituals (1984). Harris examines how sexual and political power are linked in lynchings, where castration represents white male efforts to deprive black men of the phallic symbol of manhood. Harris underscores the hysteria involved in the construction of blacks as rapists of white women by pointing out that during the Civil War, when white women were alone on plantations with slaves, not one instance of rape was reported (20). For a detailed discussion of lynching as a political and economic instrument of white terrorism, see Angela Davis, "Rape, Racism, and the Myth of the Black Rapist," in Women, Race, and Class, pp. 172-267.

First of all, Parker's mother, although impoverished, managed to borrow enough for a slight retainer to hire as defense attorney R. Jess Brown of Vicksburg, one of two black attorneys in Mississippi at the time. The prospect of a black defense counsel in an already racially charged case in a region where white domination far outweighed the official authority of the justice system was explosive in itself. This was especially so, as Smead reports, since no white lawyer approached was willing to take the case, "and several of the lawyers told her [Parker's mother] they felt her son was guilty" and hoped he would receive the death sentence (17-18). Upon reluctantly accepting the case, Brown requested that Jack H. Young, Jr., the only other black attorney in the state, assist him (Smead 18). This defense team was highly unusual in Mississippi in 1959 and was prepared to argue law and a particular recent precedent to its fullest possible use in a courtroom. In particular, the defense made public that it would base its strategy on the landmark Goldsby decision handed down by the U.S. Court of Appeals for the Fifth Circuit the same year. This decision voided the Vaiden, Mississippi, jury conviction of Goldsby, a black man, for murdering a white woman on the grounds that no blacks had served on the jury. In other words, the Southern legal system was being held responsible for its own exclusions and was, in part, formally allowing itself--within the confines of the courtroom, at least--to be held so responsible. The stricter accounting of procedural justice seemed to be catching up with and overtaking the sweeping violence of "Southern justice."

In the shaping of the Neal defense strategy, then, a number of significant social and racial reversals occurred within the apparatus of formal law itself. The lawyers, Young and Brown, were fully enabled legal representatives within the formal order of justice and therefore social agents, not historical objects, of the discourse, symbols, and rituals of law. Their presence in a courtroom, in positions of confirmed, though regionally controversial, authority signals a possible transition in Southern law. Law here fluctuates wildly in its character: now offering a set of racial and social gate-keeping technicalities (to be revised or not); now providing a blanket force upholding white privileges, but ones that can be unpredictably suspended; now supplying a changing social register; now bespeaking a slowly responsive institution that can promise (or threaten) widespread change as its internal constituency, its power-holders, alters even slightly. The defence's public references to the Goldsby decision as a precedent for either the case's dismissal, change of venue, or, if tried and lost, appeal, signalled the most ironic and, to Southern white supremacists, frightening reversal.

The historical fact of black citizens' exclusion from juries would now be used against the Southern legal system for a possible victory within it. Ironically, it was just this prospect of a legally accountable world that set one of the last Southern mobs in motion, and with apparent widespread co-operation.

II.

Legal historians have recently argued that to judge the entire nature of Southern legal authority, however, as either fragile or weak on the basis of its seeming to be so easily, openly defied and circumvented is perhaps hasty. James W. Ely, Jr., and David J. Bodenhamer contend that there are unusual social dimensions to Southern legal history, not the least of which is an attitude toward law similar to that held on the frontier and of the Southern lawmakers who were preoccupied with maintaining a racial caste system at all costs (4-5). In _Ambivalent Legacy: A Legal History of the South_ (1984), these essayists and other historians of law examine how the Southern legal system enforced its own regional premises, however insidious or indefensible they may have been, as well as allowed an extra-legal yet socially sanctioned space of further cultural enforcement to exist. For their assessment, Ely and Bodenhamer draw on the massive Southern resistance to the 1954 decision in _Brown v. Board of Education of Topeka_, which struck down as unconstitutional the legal logic of the "separate but equal" ruling of Plessy v. Ferguson (1896). The Southern legal resistance to Brown came in part through enactment of legislation that sought to aid Southern states "to limit drastically the amount of school integration between 1954 and 1964" and also through "legal" arrests of black and white protestors, impatient with a decade's slow progress, "under state trespass or disorderly conduct measures" (6).

Ely and Bodenhamer demonstrate how Southern law traditionally protected not only its underlying regional ideology of white domination but also some of the white inhabitants' other interests, both against what must have appeared to established white Southerners as northern impositions under force of Federal law and against social changes within the South itself. Late nineteenth-century American legal rulings are generally seen to have encouraged commercial growth, and there was in the early twentieth century a corresponding development of a rising capitalist spirit in the South. But there is also evidence that Southern law strongly discouraged such commercial and industrial activity. For example, Southern courts recognized Southern land as the principal source of wealth for the region, before and after the Civil War. These courts were unusually sympathetic to debtors who had creditors outside the region, to landlords over tenants and sharecroppers, to family estates over commercial claims against them (to the extent that Southern judges typically supported a wife's separate estate in equity to protect against mismanagement and exposure to creditors brought on by a husband), and to the plight of individuals or groups over commercial interests generally.

As Tony A. Freyer in "Law and the Antebellum Southern Economy: An Interpretation" argues, acknowledging that the "history of law and antebellum Southern economy has yet to be written" (49), on the whole law in the South "favoured debtors..."(57). Freyer argues that business law in the antebellum South worked to enforce social reciprocity and encourage the force of personal relationships. These concerns, according to Freyer, explain "[m]erchants' resistance to business incorporation and the principle of limited liability underlying it...because it undermined traditional bonds of individual accountability" (56). According to Freyer,

> as one Alabama lawyer explained, "They [the moderately propertied] all run in debt...never pay cash, and are always one year behind hand.... They all wait to be sued. A suit is brought--no defense is made--...and they even think it is a good bargain. The rate of interest allowed is but 8 percent. So much is this below real value that a man will let his debts go unpaid...."(57)

Such practices of long credit promoted, prior to suits being brought, Southern personal interdependence and social stability in a region where "great disparity of wealth and power exist[ed] alongside democratic institutions"(50). Tthese attitudes lasted well past the Civil War, clearly coming in conflict with a rising business age occurring outside the South and beginning to influence the region.

These examples demonstrate the tangle of interests that Southern legal thinking can simultaneously represent. In the legal equity for wives in property matters, for instance, there was not so much a logic of social and financial equality for women under law as a resourceful means to preserve property against creditor threats from within and outside the region. So, beneath appearances of recognizing the legal and economic positions of women and widespread concern for debtor relief, the Southern courts could effectively move to protect vast amounts of temporarily vulnerable property. Of course, property is the source of fixed wealth and authority that played a major role in producing the Southern social conditions that, ironically, ultimately belie both women's economic positions and opportunities for the poor. In this example, Southern courts are complexly engaged in the active conservation of their society's dominant interests while on the surface seeming either lax in the enforcement of a strict legality (creditor-debtor relations) or even progressive in the apparent protective stance toward the under-represented (women and the Southern poor).

But just as the Southern judicial tendency in this example may be deceptive in appearing both socially conscious and sluggish while operating with vigilant conservatism, so Southern legal history as a whole may be wrongly characterized as thoroughly regressive while containing in it, surprisingly, a few distinct moments of legal innovation. Kermit L. Hall notes that Mississippi, in 1832, was the first state to elect rather than appoint all of its judges: "[a]fter New York adopted the practice in 1846, every new state entering the Union did so as well" (229). Hall also points out that although Southern judges seldom strayed outside their region for education between 1832 and 1920, the South "had the best formally educated appellate judiciary in the nation" (232). Hall acknowledges, however, that judicial quality is an elusive concept and that many of these judicial educations could be considered "provincial," as opposed to the cosmopolitan educations that most Federal judges had received at the same time (232-33). Nonetheless, Hall suggests that their level of educational achievement "more fully resembled that of the lower federal judiciary than it did their midwestern counterparts" (232).

Ely, Jr., and Bodenhamer raise other usually overlooked Southern legal distinctions and achievements. Before the American Revolution, for example, "the South sent more lawyers to England for legal education than any other region" (15). Moreover, the first American professorship of law was established at the College of William and Mary in Virginia in 1779. Not surprisingly, many nineteenth-century

Virginia lawyers "selected formal legal education rather than traditional apprenticeship training" (16). As well, codification movements and civil codes were underway in South Carolina and Louisiana as early as 1825.

Yet in the larger American legal tradition these Southern developments do not seem to register. Lawrence M. Friedman points out that although characterized consistently as a treacherous legal backwater, and not often unreservedly, the South has also been neglected by legal historians, practitioners, and courts who do not cite nationally significant Southern precedents. In "The Law Between the States: Some Thoughts on Southern Legal History," Friedman offers the example of the "fellow-servant rule," thought by most to have originated in American law in 1842 in the _Farwell_ case in Massachusetts under Chief Justice Lemuel Shaw, Herman Melville's father-in-law, since _Farwell_ is consistently cited by the legal community as the "leading" case (31).[7] This change from the common law "master-servant rule" to the "fellow-servant rule" relieved employers of responsibility for accidents caused by their employees, placing the financial burden of industrial accidents on individuals and charities. Though cost-efficient for businesses, this shift in law led to unsafe conditions and the easily exploited notion that every employee is a "free agent" (Thomas 167). According to Morton J. Horwitz in The Transformation of American Law, 1780-1860, for example, Shaw's decision marked the "triumph of contract" in nineteenth-century law (248). While Shaw's was the nationally influential decision, Friedman distinguishes the ambiguous use of "leading" (being delivered by an influential court) from the meaning of "original" and cites as the precedent Murray v. South Carolina Rr., decided in South Carolina in 1841, a year earlier than Farwell (31).

---

[7] In _Cross-Examinations of Law and Literature_, Brooke Thomas also seems mistakenly to locate the fellow-servant rule's origin with Shaw, referring to it as "one of his most famous formulations" (167).

Friedman also points out that a genuinely progressive Southern legal precedent is widely overlooked. The first general adoption law, he states, is wrongly cited as a Massachusetts law of 1851 in Joseph Ben-Or's "The Law of Adoption in the United States: Its Massachusetts Origins and the Statute of 1851," in a 1976 edition of The New England Historical and Genealogical Register. Friedman clarifies that the first such law, prior to which there was no American general policy for adoption of children, was enacted in Alabama in 1850, a year before its supposed Northern precedent.

Friedman's essay is important for two reasons in the ways that it invites a reconsideration of the rule of law as it operated in the South: first, he clearly establishes that some of the finer points of Southern legal history and social motive are usually neglected and that the area is understood only as a legal (or, perhaps more accurately, illegal) stereotype. He concedes in understatement at the outset, however, that "[t]here is something rather alien about Southern legal history, the subject of this essay" (30). Secondly, Friedman discusses how this legal system may be considered unusual in its complex conception of where actual legal as opposed to outlaw space exists. There is, after all, a distinctly Southern blurring of public and private, official and unofficial zones. Ely, Jr., and Bodenhamer, for example, point out that "elite pressure dictated that gentlemen demonstrate courage and resolve their differences on the field of honour rather than resort to a court of law" (23). The Code Duello lasted longer in the South, they point out, than anywhere else (23). In Honour and Violence in the Old South (1986), Bertram Wyatt-Brown also argues that "[d]ifferentiations between what belonged in the public or the private realm were very imprecise" (26). The mingling of public and private values, according to Wyatt-Brown, contributed to the possible absence of a truly public zone, completely separate from interior life. This absence, or at least severe qualification and confusion, of a distinction of what is public or private sector space and activity "made possible the coexistence of Southern hospitality and 'unspeakable violence' in the same cultural matrix, without paradox, without any sense of contradiction (27). This "unspeakable violence" is, of course, sudden extra-legal activity, legally forbidden but socially sanctioned.

Friedman attempts to clarify this nebulous concept of extra-legal space in Southern culture. He suggests that in notions of the extra-legal there is a widely held sense of continuity between what might otherwise be seen as contending, entirely disparate realms of behaviour and motivations. Such a sense of continuity is almost certainly a white, self-serving perception, an important point Friedman does not raise any place in his discussion. Wyatt-Brown, for instance, claims that the confusion partly hinges on Southern conceptions of the fragile social and racial integrity of the white family (26). Whatever their origin and cultural logic, sanctioned extra-legal activities, both destructive (duels, feuds, lynching) and constructive (debtor negotiability), seem a genuine part of Southern history and are certainly a topic taken up repeatedly in Southern literature. Ely, Jr., and Bodenhamer, in fact, say that vigilantism may have originated in the South and that a partial explanation for it may be discontent with elite domination of the local courts (23).[8]

---

[8] Kermit Hall, another Southern legal historian, points out that one-third of all southern judges had kin folk on the same state bench before and after Reconstruction and that from roughly 1832-1920 about two-thirds of all southern appellate judiciary had kin who were also judges (247).

Friedman, like Ely, Jr., Bodenhamer, Freyer, and Wyatt-Brown, also observes that white Southerners viewed the often fatal violence that distinguished their society as a fully sanctioned method of conflict resolution, though the necessary social function of conflict resolution is traditionally one of the powers and duties held by the courts. Moreover, Friedman observes how a persisting semi-feudal social and economic organization in the New South "left plenty of violence in the hands of planters" and how the continuing presence of slave patrols, regulators, and "official" duels and feuds further exemplify that strong notions of "legal privatism" abounded in this culture (35).

Friedman's remarks are culturally illuminating in a number of ways, especially his observation that the persistent sense of the social and political fragility of Southern society before and after the Civil War may account for much of the notorious Southern intolerance: the constant informal and oppressive policing of morals, codes, activities, and private behaviour. Friedman differs from the other legal and cultural historians, however, in raising a pressing conceptual and social contradiction at the heart of his discussion that he does not fully explain: "[v]iolence in the South is not the _enemy_ of law and order, but a substitute for it: the orthodox regime was either imperfectly organized or was rejected by Southern society for one reason or another" (34, emphasis his). In contending that the substitution of outright violence for due process works as justice in the Southern context (rather than, say, operates as an inevitable historical aspect of the developing frontier), Friedman seems to accept rather than puzzle over the implications of this cultural observation, especially its implications as a continuing condition in the early modern South.

Yet presumably only in special and always controversial cases, such as martial law, could more obvious forms of social violence ever begin to approach legitimacy and, with some united amount of sustained social sanction, serve in substitution for or the extreme expression of any of the rituals and functions of more conventional law and order. That is, only in the event of the collapse of one form of civil social control could violence as a socially sanctioned regime, tightly controlled in expression and scope by the state in an effort to make a grand gesture at reasserting its monopoly on violence, ever be justified momentarily. As Friedman has it, a spontaneous informal Southern violence seems habitually able to replace law and order authentically at every turn, as though the two types of activities are capable of functioning as synonyms of social form and content, or else somehow exist blissfully independent of and indifferent to each other's claims. Indiscriminate violence and the possible structural violence or omissions of due process do not ever share such a seamless correspondence, however. Formal examination of individual motives and remedies is still more socially consistent than eruptions of violence, even in an enduringly obtuse or elitist legal system.

Friedman's observation that the orthodox legal regime was imperfectly organized or else "rejected for one reason or another" unfortunately appears without further explanation of either why this condition was so, or, more importantly, how public gestures of violence were capable of both rejecting and co-existing with the formal (legal) organization of Southern society. Friedman's concern, raised but not pursued, is why did a vast section of Southerners seem to feel violence was as acceptable as or even better than other modes of response available, other methods of social control, communal expression, and conflict resolution? Did they really feel that the momentum of social violence could stand in for law?[9]

Certainly Southern defiance of law has had particularly spectacular embodiments that still astonish. Faulkner had been dead for only three months, for instance, when the violent resistance that met the African-American James Meredith's 1962 enrollment at the University of Mississippi came to stand as an example of the continuing and peculiar relationship with Federal law that had characterized this region since the Civil War. According to Eric Sundquist's Faulkner: The House Divided (1983), Southern historians saw the rioting over the Meredith enrolment as the most serious challenge to the Union since the Civil War (65). Sundquist examines, and to some extent defends, Faulkner's own controversial gradualist position on desegregation. Faulkner amended his stand in later years in a series of letters to the Memphis Commercial Appeal promoting immediate compliance with federal laws on integration (Blotner 282). Sundquist points out that with the clash and rioting over Meredith's enrolment, the continuing definitional problem of the South itself intensified: "Faulkner's native state, historically a leader in legal and illegal segregation, was now more than ever no state at all but virtually a country within a country" (65). Sundquist thereby captures the different levels at which the legal, social, and psychological forces of institutional authority and communal activity contended in Faulkner's cultural and historical world, not only as general problems of legal accountability and sources of authority within and outside communities, but as particular and continuing major conflicts on the national scene between states' rights--the claim of eminent domain--and existing Federal law.

---

[9] See Cash, 44-47, 138-39, for discussion of the relation between a southern sense of white male individualism and violence. For two views that complicate the understanding of southern violence, see Howard S. Enlanger, "Is There a Subculture of Violence in the South?," Journal of Criminal Law and Criminology 66 (1975): 483-90, and William G. Doerner, "The Index of Southernness Revisited," Criminology 16:1 (May 1978): 47-65. Doerner challenges the notion of the South's wholesale proclivity to lethal violence by arguing that the statistics "may be interpreted as indicating that 'lethal violence' is more a function of medical service depravation than of subcultural values" (49).

III.

In a variety of ways, Faulkner's work underscores this power of community to control, whether through official or unofficial authority or even outright violence, the working out of what it considers justice. But Faulkner also constantly presses the question of whether such control and conditions can ever produce justice. Through his fiction the references to the sometimes quietly strategic, sometimes violent communal responses that constantly fail to address or resolve any pressing communal conflicts or issues suggest that he does not. If Faulkner shows that sanctioned violence, unofficial communal response and extra-legal manoeuvres fail consistently as the substitutes for what Friedman cryptically suggests is in Southern history an unresponsive, discredited, or indifferent formal legal order, then one begins to wonder where authority lies in Faulkner's world, fictional and real. For, above all, authority exists to provide closure, to force closure if necessary.

But what could further substitute in Faulkner's represented world for the unsuccessful, unworkable substitutes for justice? The renewed return to the promise of formal law always seems possible, though, as I will discuss later, Faulkner insistently both dangles and discredits formal law as a genuine hope in his work. If the persistent return to law allows Faulkner much opportunity for humour, parody, social observation, irony, even forays into nihilism, then the continued presence of law in his fiction suggests a concealed hope: why else would Faulkner need to continue the attempt to dismantle the promises of law if he has presumably dismantled them to his satisfaction? In this return to the subject and meaning of law, Faulkner falls into what he shows to affect so many of his most inscrutable characters, a repetition compulsion, one usually based on an originating act of or sense of exclusion. Although it is always unclear what sort of community Faulkner is presenting, and probably writing against, his exploration of the relationships between law and community is deeply invested in what shapes both communal and legal impulses. Curiously, he shows law to be neither delivering nor disrupting the workings of community, and, in turn, shows the stakes of community to be distant from or misunderstood by the workings of law. One of my primary interests in this dissertation is to show the complexity and both brutal and subtle contradictions of Faulkner's fictional community. In attempting to chart his represented community's attitudes toward its own impulses, Faulkner inevitably explored the social and legal authority both controlling and shaped by those impulses.

Faulkner's subject is often the nature of fragile, divided communities; part of his concern is also the ways that a community achieves an appearance of coherence and unity. Of course, the chief, most formal mechanism for this necessary condition and continuity is law. To a great extent, however, law itself depends on fragile balance and appearances for the force of its being. This need and search for balance seems especially true in Faulkner's fictional universe, with its facades of order and decorum that the author usually presents as on the verge of some sort of collapse. In fact, official law in Faulkner hovers apart from the events of community, demonstrating not only their separateness but even mutually tolerated incompatibility. In "Law in Faulkner's Sanctuary," for instance, Noel Polk argues that law lacks any real meaning in Yoknapatawpha, thereby revising a position he took on an earlier occasion[10] to suggest that the courthouse, referred to throughout Faulkner's work,

> did not assume the thematic dimensions [earlier] identified until somewhat late in Faulkner's career...; it is a constant factor in the geographical landscape, but not much of one in the psychological, moral, or even, finally, legal landscape. (227)

While I disagree that the courthouse, as the ritualistic structure of formal law, could ever lack significance in Faulkner's individual and communal psychological landscapes,

---

[10] Polk, "'I Taken an Oath of Office Too': Faulkner and the Law," in Fifty Years of Yoknapatawpha (1980), ed. Doreen Fowler and Ann J. Abadie.

I agree that Faulkner represents the courthouse as more often considered "in its association with the four-faced clock atop it or with the Confederate monument on its Southern side" (Polk 227) than in association with due process or the trying of facts. Polk's estimation reflects how the form but not the operation of law usually characterizes the Yoknapatawpha social sphere.

While Faulkner's depiction of an unbridgeable gap between law and community has not disturbed the critics who have commented on law in his work (Polk seems the only exception; Watson, surprisingly, seems unperturbed on the implications of such a rift), the depiction of such a gap nonetheless raises several difficult questions. What official voice is the source of authority in Faulkner's community? If this authority is not or is only partially law, what are (and who determines) the social uses of legal rules? Such questions seem constantly posed and never resolved in Faulkner's fiction. Such questions are pressed, however, when the author steadily depicts the power of not only the dominant community to defy settled rules at will, but also individuals to break through the framework they ostensibly allow to contain and define them.

Here I would like to demonstrate with reference to a specific example in Faulkner's fiction some of the problems raised by any attempts to locate the source of authority in Yoknapatawpha. As I will argue, this example reveals some of the problems encountered when attempting to untangle the different sources of authority operating in Faulkner's fictional world, let alone in attempting to locate the primacy of one source of authority over other competing ones. The difficulty of locating the source of social authority in Faulkner's world perhaps reveals the same difficulty that legal theorists, legal historians, and practitioners of law face when attempting to locate or define that source in the world outside Yoknapatawpha.

Speaking, in The Town, of the scandalous affair between Manfred de Spain and the married Eula Varner (now the nominal Mrs. Snopes), County Attorney Gavin Stevens observes that the power of community would seem total:

> you simply cannot go against a community. You can stand singly against any temporary unanimity of even a city full of human behaviour, even a mob. But you cannot stand against the cold inflexible abstraction of a long-suffering community's moral point of view. (312)

Of course, this utterance is not nearly as simple as it appears. Here Stevens, the embodiment of formal law in Yoknapatawpha, apparently endorses the ascendancy of a narrowly moral and subjective source of authority over other possible, presumably legal, objective ones. Although only speaking informally, or rather reflecting in soliloquy, about an unofficial matter--the open affair--Stevens, on the surface, depicts community here as the ground of all values, all judgments, even as he remarks concisely, almost elusively, on some of the conditions that may undercut the fitness of community as an ultimate, binding authority. Stevens essentially undercuts the very sources that would presume to position and authenticate community as the court of last resort. He remarks not only on this community's cold inflexibility, suggesting an unfitness for the always complicated, often fluid, task of judgment, official or unofficial, but also on the fact that its point of view is an "abstraction." He thereby bleeds out of this supposedly consensual and vital community voice its presumably most powerful claim: to be the utterance of a lived truth expressed by those who know and take for themselves the collective right to say.

On the contrary, Stevens' calls the communal view-point an "abstraction," an argument regularly launched against law's authority, rather than community's. In doing so, he suggests the communal view's own possible falseness at the level of lived experience or as a fair representation of the subject it seeks to address. Though Stevens ruminates on an unofficial community view that would suppose that the community is capable of by-passing mere abstraction, that is, merely official views and judgments on standards and conduct in a community, Stevens collapses the communal view into the category of abstraction, its presumed opposite. As both a lawyer and the self-appointed local ironist, Stevens has wryly turned the tables here on the community's ever-ready claim to represent reality better than other, say, institutional attempts. He back-handedly implies that community may be as unreliable, as abstract overall, as those other means of judgement over which it presumes to take precedence and authority. And it does not help community's critical credibility, in Steven's view, that Jefferson is not a civicly organized collective of difference and debate, but a "unanimity," similar, in fact, to a mob's, only not as temporary.

Stevens' consideration of the location of authority in his region thus complicates further that very question. His remark that an individual could stand up to a mob but not to a collective view-point raises the two types of violence a community, particularly his, can resort in its assertion or defense: the physical and the ideological. This latter, the lawyer remarks resignedly, forces all compliance. One simply "cannot stand against" a community's point of view. And in his meditation on authority's source, Stevens significantly imagines the lone individual against the unyielding group; imagines the execution of judgement based solely on conformity, accepted custom, and the coercion of majority social practices.

As a working lawyer, Stevens, whom Faulkner always takes pains to depict as well-thought, even overly given to the currents of reflection, would clearly see the social and ethical problems here in his own statement. Though no legal issue is at stake in the Eula (Varner) Snopes-De Spain affair, though through it Flem Snopes is steadily rising to civic and institutional power, the conditions of it as scandal bear on many of the same issues of law: conformity, judgment, penalty, etc. The Yoknapatawpha attorney would presumably see, despite his apparent endorsement of informal communal prescriptions, that official adjudications exist in part precisely to protect isolated individuals from the coercion or harm of collective opinions and practices. Indeed, in order to practise professional law, as opposed to practising conventional morality, in a region in the grip of conventional morality, Stevens as attorney would always be alert to the social and legal merit of the individual case. To be alert to the region's social dynamics, however, is not the same as being powerful or effective enough to stand against the community's prescriptive force. Stevens' off-hand remarks wistfully reflect these two levels of recognition.

As a face-value description of the attempted enforcement of social values as opposed to social rules, Stevens' observation rolls back on itself in yet another important way. He refers to the community as "long-suffering," a description that at first seems to bolster its own ethical grit, patience, and interpretative legitimacy. The adjective also suggests, however, an already attendant strain on communal faculties, independent of the matter they are now judging, and again raises a disturbing point about the sheer force of communal opinion, that of its whimsy, its production in pressurized moments without benefit of critical self-reflection. Above all, official legal process exists in a democratic society, ideally at least, to depressurize explosive, controversial, transgressive moments, to stabilize all contexts as much as possible, and, as a social enterprise, to be of critically self-reflective, forcing all legal actors, both temporary and permanent, to enter into that same self-criticism.

At several levels, then, Stevens as County Attorney ironically undercuts in The Town the very source of authority he claims to recognize as most forceful and legitimate in a communal context. This authority, what "you cannot stand against," is that which he would already know that he has been formally trained to consider and that the law exists precisely both to serve and protect against: the force of community itself.

IV.

I have sought in this chapter to examine some questions of where authority lies in society and to what extent law is tempered or contended against by other claims outside law's scope. Such questions interrogating the sources and claims for authority of law shape much CLS debate and have always been the pressing concern of formal jurisprudence. I have also framed much of my engagement with the question of law's authority by a particular consideration in this chapter of the nature of authority in the American South, especially Mississippi. The South provides a locus for exploring presumptions of both law and defiance that may be regularly taken for granted in other regions; the South embodies, but in highly exaggerated and explosive ways, many of the tensions to be found in American law more generally. Most crucially, incidents in Southern history attach to larger questions concerning the legitimacy of both law and community in times of crisis. The history of the South, especially the Deep South, foreground for a non-Southerner questions of the construction and accountability of any social formation.

Faulkner's fiction, drawing from the author's culture, traces such concerns of law and authority in various crisis moments. My discussion of some of the ongoing contradictions of law's claims for authority, the South's refusal to accept Federal law's authority to end a racist regime, and Faulkner's attention in his fiction to the conflicts between the coercive power of dominant community and the weak, often regionally suspended voice of law certainly does not settle any debates about law's character and meaning. My discussion, however, hopefully extends the consideration of these questions in interesting ways. Since Faulkner clearly draws both pain and inspiration from the recurring social and legal crises in Southern history, his work makes particularly apparent the latent contestations over social authority waged between formal law and communal impulses at all times.

CHAPTER TWO

OUTSIDE LAW:

SOCIAL INVESTMENTS AND CURIOUS DEFIANCES

Holding in mind the arguments of Chapter One, and building on its discussions of what may be said to constitute, and to undermine, legal authority, I want now to turn to particular moments of authoritarian crisis in Faulkner's fiction, to the challenges to authority which characterize two of his best-known stories, "Barn Burning" and "A Rose for Emily." In these texts, Faulkner explores the conditions of law as they apply (or fail to apply) to social transgressors, one of whom is destructive and forces confrontation, one of whom is passive and secures communal capitulation. In both stories, Faulkner presents defiant individuals who have neither the benefit of community nor the authority of law to support them, yet are invested with a strange authority nonetheless. Accordingly, both characters provoke examinations of social investments through their defiances and, above all, draw a reader into a critique of law and community as Faulkner presents their interaction. "Barn Burning" exposes Southern notions of the organic community and mutual personal obligations that supposedly comprise such a community in a feudal economy. "A Rose for Emily" examines the community's hesitance to progress from the holds of _mythos_ (or community belief and prejudice) to promise of the _logos_ (the word and public reason). Both stories, then, interrogate forms of Southern nostalgia and authority: how nostalgia bolsters authority in "Barn Burning" while undermining it in "A Rose for Emily." Chapter Two also builds on many of Chapter One's discussions of what may be said to confuse and complicate the nature and application of authority.

Throughout his fiction, Faulkner criticizes the inability of Yoknapatawphan community to know itself or to engage in the difficulties of meaningful social analysis. His depictions of law, whether as formal procedures or informal encounters, take on added curiosity here, since in its operations law always functions as a complex type of social criticism. That is, law is a concrete social force that, despite its supposed separation from policy and politics, cannot help but function as an ideology whenever it engages and rules upon a concern. As Roberto Unger observes in his essay "Liberal Political Theory," which strives to locate the source of values behind legal rules, as well as explore some of the problems behind adjudication,

> [p]roperly understood, the system of public rules is itself a language.... To apply the rules to particular cases is to subsume individual persons and acts under the general names of which the rules consist. Hence, the theory of law is a special branch of the theory of naming. (24)

Unger discusses what he sees as the "resort to a set of public rules as the foundation of order and freedom [being] a consequence of the subjective conception of value" (24).

For Unger, no "neutral, Archimedean point" outside the subjective purposes of individuals exists for the crucial judgement of which values should be favoured under the law (27).

If Faulkner presents law as just such a set of rules furthering subjective values and interests, we need to ask whose interests and values are being protected and perhaps concealed in that protection. In this instance, "A Rose for Emily" (1930) and "Barn Burning" (1939) may be read together to examine law's promotion of certain nostalgic investments in the midst of conflicts. Such nostalgic investments are central to the maintenance of the status quo and to aristocratic Southerners' sense of preindustrial society. "A Rose for Emily," for example, explores legal consciousness caught between temporal moments, attempting at once to conserve the value of mythos surrounding Emily and to endorse the rise of logos constituting law. In the story, the town authority promotes nostalgia as a discourse uniting the community, even as that authority attempts to set aside nostalgia and promote law as the community's new shared discourse. In "Barn Burning," the nostalgic investments are not so gentle as those presented in "A Rose for Emily." "Barn Burning" exposes Yoknapatawpha investments in the myths of noblesse oblige as cover for a continuing exploitive economic regime. When Abner Snopes turns repeatedly to arson to challenge great and otherwise unaddressable property imbalances, his incendiary protests seek to provoke community questions as well as incomplete community defenses of such excluding privilege.

Both stories, then, depict law endorsing but also concealing the values that the social order relies on but cannot openly acknowledge. In "A Rose for Emily," those values prove comforting and contribute to a social imaginary that preserves the securing links to the romance of the Southern past. In "Barn Burning," those values prove exploitive and contribute to socioeconomic arrangements that ensure the continued plantation economy. By exploring nostalgia as a form of social authority nearly equal to law, the stories may be seen as extensions of each other's concerns, especially with individuals whose legal defiances wittingly (Snopes) and unwittingly (Emily) expose the values law protects in each case.

I.

In "Barn Burning" Faulkner demonstrates how law masks its protection of the vested interests of the powerful, in this case the power-holders in the Southern aristocratic planter economy. Ab Snopes, the poor white, encounters the law in two trials in "Barn Burning," once after committing arson against a neighbour, Harris, and again after committing vandalism to an expensive rug owned by his plantation employer, Major de Spain. Snopes' acts against property deliberately dramatize the need and rage of the

Southern poor white who rejects his dependent role in the plantation economy. Snopes demands social acknowledgement of his sweat equity over and against plantation charms.

While both court outcomes seem lenient toward Snopes as positioned defendant (though only actual defendant in one and unsuccessful plaintiff in the other), the story demonstrates law's complicity in maintaining the present economic relations of a social order for purposes of a privileged stability at the cost of a broader social justice. Ab Snopes brings his own audacious suit against his powerful employer, a plantation owner, for attempting to enforce an arbitrary contract of economic penalty. This suit ends with Ab Snopes addressed by the court as though he were the named defendant. The sudden reversal of the positions of plaintiff and defendant indicates the court's chief interest in preserving a social fixity. Although Snopes actually wins the suit, in the sense that the economic penalty imposed by the employer is halved by the court's judgement (18), Snopes is nonetheless linguistically positioned by the court as sole offending party, and confirmed institutionally as the perennial legal and social outsider. The story thus presents law as the authority that supports the settled positions already designated by class and economics outside the courtroom.

This fixity is further suggested through more than the settled, univocal, official Southern legal consciousness in the story. It is also shown to shape the social consciousness and institutional expectations of a young boy, one of the region's poor whites, Snopes' son. Upon entering the court for his father's attempted suit as plaintiff, Sarty Snopes is described by the narrator as seeing the wealthy Major de Spain experiencing the uncomfortable social unlikelihood of being a legal defendant:

> in collar and cravat now, whom he had seen but twice before in his own life, and that on a galloping horse, who now wore on his face not an expression of rage but of amazed unbelief which the boy could not have known was at the incredible circumstance of being sued by one of his own tenants.... (18)

Throughout "Barn Burning" Sarty's consciousness is reflected in and dictates the conditions of much of the story's narration. His consciousness constantly registers, because it has fully absorbed, his and his family's social and therefore legal relation to Southern economic betters. And in the only slightly modified plantation economy of the recently reconstructed South, his family's social and economic position would already determine their chances in court, the arena of social and economic reinforcement. The narrator thus is ironic or, more complexly, shows how the limits of an individual's institutional expectations are shaped by social limits when he describes the boy's initial response upon entering the court space. He states that "the boy could not have known" that De Spain's "amazed unbelief" is due to his temporary social repositioning as legal defendant. Even if the narrator refers solely to the boy's ignorance that De Spain, not his father, is the defendant, the particularity of his temporary ignorance in this "incredible circumstance" only underscores the regional aspects of social knowledge and conditioning that are at the centre of the story of Sarty's own characterizations of the world around him. In short, most of Sarty's life will be about, if it is not now, knowing, rather than not, that his father's attempted social and legal reversal forms an "incredible circumstance." And this knowledge comes from being outside, not inside, the very limited magic circle of institutional protections in the Southern context. What Sarty does "know," at least intuitively, is that above all law is the enforcer of this heavily stratified culture.

The court scene's potential blurring of settled social positions and supposedly arguable legal ones is significant. De Spain, the impeccably well-dressed, horse-riding, contract-dictating post-bellum plantation owner, cannot yet wrap his mind around the experience "of being sued by one of his own tenants" (18). Although "tenant" clearly designates a legal position, signalling the entrance of one of two or more parties into a contract, any exercise of possible rights or challenge to enforced duties is, socially, an "incredible circumstance" (18). The narrator's partial presentation of this scene through Sarty's consciousness--the boy's gaze and limited awareness to the proceedings form the reader's introduction to both court scenes in the story-

-accomplishes several effects. Law, its rituals, logic, and presumptions appear as both familiar and unfamiliar, as uncanny. Sarty knows well the experience of a trial through his father's repeated social protests with arson, yet he is not fully institutionally literate to a formal trial's social meaning, let alone to his father's probably ironic attempt to exercise or expand his legal rights in a region still governed by plantation manners. Before official proceedings have even begun in this second legal scene, for example, concerning a deliberately ruined mansion carpet and De Spain's imposed penalty, Sarty shouts at the Justice of the Peace, "'He ain't done it! He ain't burnt...,'" forcing his father to direct him to "'[g]o back to the wagon'" (18). Although he mistakes the content of this particular proceeding, presuming it addresses the usual arson, Sarty is both aware and unaware of what these particular proceedings represent. His outburst already positions his father as (guilty) defendant even before the court can summarily set aside the legal implications of Snopes' own claim as plaintiff, and, significantly, Snopes' social claim to be a plaintiff in a legal proceeding.

Sarty's at once naive and intuitive perceptions thus render Faulkner's court scenes from a viewpoint prior to the viewer's entry into the knowledge of adulthood and into the social presumptions--operating on both sides of the poverty line--that condition and are conditioned by legal presumptions. Sarty, then, serves as Faulkner's focalizer to expose, without strategy, the power arrangements that may otherwise seem to represent fair, even natural, order here.

Faulkner's point is a basic one with pervasive implications. The acceptance of socially and economically ordering legal rituals depends on the social and economic imagination already conditioned by legal rituals. Unintentionally even more of an outsider than his father, and precisely because he is without his father's heavily-staked angry social consciousness, Sarty may be seen as Faulkner's legal innocent, a younger Billy Budd on board the Southern plantation system with its social enforcement through legal reasoning. In both stories, law buttresses order only by "reasoning" injustice.

The understated and socially complex tension in "Barn Burning" is Sarty's wish to come inside the peace and security of settled society's arrangements while somehow still being loyal to his father, who is excluded and will accept meagreness outright rather than comply to a meagre bargain, his portion of the enforced social contract. But Sarty aspires more ambitiously and elides more unwittingly than his father. When the Snopes family first arrives on the de Spain plantation, the narrator presents Sarty's immediate and urgent thoughts on the grand plantation house in italics: "Hit's big as a courthouse" (10). As Richard Moreland points out, this comparison makes overt the link between economics and law, suggesting how in this society they are each other's synonyms. Moreland suggests that this immediate association of the plantation with the law betrays the investments and force "of this other main cultural alternative for resolution of social differences when the old plantation magic fails" (15).

Although Sarty articulates this comparison himself, the boy stands unaware of its underlying meaning. Associating the plantation owner's power with an inclusive security that may touch their lives, Sarty's first thoughts come "with a surge of peace and joy whose reason he could not have thought into words, being too young for that..." (10). The point is thus made that Sarty's comparison is intuitive, demonstrating the deep levels at which a law-economics relationship impresses itself upon this Southern society, shaping itself in a consciousness scarcely out of childhood. Both Sarty's deep awareness and its absence of self-consciousness represent an ambiguous hope in that he instinctively places faith in the systems and symbols of authority that have power over his family. On the one hand, this social hope could imaginatively create what it wants, a phenomenon of perception ordering empirical reality that periodically occurs in Faulkner's world.[1] On the other, and more likely, it is this innocently invested hope that enables so much of the settled authority of systems to continue unchallenged. In this last sense, critics, such as Brenda Eve Sartoris, who see Ab Snopes solely as the criminal malcontent who "places himself outside the social system, rejecting its values and becoming its enemy" (94), entirely overlook the possibility of a strange, fairly well-hidden gesture of hope in Snopes' constant challenges to authority. The bitter hope of the father and the untested hope of the son in their institutional (plantation) society form the action of the story, then, but significantly from opposite ends of that institutional experience.

---

[1] For an interesting discussion of how belief takes precedence over empirical reality in Light in August, for instance, see Doreen Fowler's analysis of that novel in Faulkner's Changing Vision: From Outrage to Affirmation (1976).

The second set of italics following Sarty's comparison of plantation house and courthouse seems to represent the fusion by which the unknown narrator's language attempts to give form and rationale to the boy's intuitive grappling with the belief that the plantation house represents a security of several types and the promise of a new beginning. Here, Sarty believes he has been presented with a resolution between the demands of the social order and loyalty to his father:

> They are safe from him [his father]. People whose lives are a part of this peace and dignity are beyond his touch, he no more to them than a buzzing wasp: capable of stinging for a little moment but that's all; the spell of this peace and dignity rendering even the barns and stable and cribs which belong to it impervious to the puny flames he might contrive. (10)

The security that the house promises exists at two levels for Sarty. The inhabitants are so excessively powerful through the scope of property that they are presumably socially (economically) beyond even his father's audacity and unusually destructive, protesting impulses. This reasoning according to property's own enforcement of itself is both socially logical and empirically contradictory: a great deal of property somehow ensures protection for all component parts, while a lesser amount (a yeoman farmer's, say) runs greater risks of theft and destruction. This vast plantation, as Sarty comprehends it, thus ensures the safety of his family (and particularly of his father) in a system of overwhelming power that, Sarty feels, will protect them as part of the expression of power in that system. So while both the "peace and dignity" and "the spell of this peace and dignity" (10) suggest to Sarty a type of wonderful grace, it is a grace achieved only and exactly as an effect of power, not, as Sarty's (narrator-articulated) impressions imply, a power achieved through grace, its "spell" (10). Power pervades "Barn Burning," and the author deliberately tangles several forms of legal, social, and economic power as they bolster each other. Perhaps the greatest tangling of this power, but also its inadvertent exposure, occurs in the boy's emerging (and already divided) consciousness of the conditions of his world. The question remains, however: if the story's action exposes an abiding legal-economic power, to whom is it exposed and for what possibility of change?

For "Barn Burning," above all, seems to narrate the conditions of social fixity, despite either court actions or illegal forms of protest. Nothing, it seems, can change in the world of the story. From the beginning, Ab Snopes, illiterate crop-worker, is characterized by his potentially socially unsettling and desperate mobility, his constant moves for employment, his lack of possessions, his self-inflicted trouble with law and social order at every shifting dislocation. While the story at first presents him solely as a threat to a stable community and as a pathologically cruel individual given to near-silence and compulsive arson, a man who will appear, work briefly, burn property, then be forced to move on, there is a deeper significance to his actions and situation beyond that of shiftless, anti-social rule-breaker.

In fact, Faulkner's depiction of Ab's arson, as Richard Moreland argues, drawing in part on historical studies of arson as social outrage in the South by both blacks and poor whites after the Civil War, represents a precedented mode of social protest. In "Poor Whites in the Occupied South, 1861-1865," Stephen V. Ash notes that although there was never as much rebelliousness among poor whites as might be expected (given the poverty, illiteracy, social inequality, and class/caste system), the South's elite grew increasingly uneasy about the outrage of poor whites (42), especially as widespread poverty increased during and after the Civil War. In "'Southern Violence' Reconsidered: Arson as Protest in Black-Belt Georgia, 1865-1910," Albert C. Smith points out that arson could usually be a successful crime, since it could be perpetrated at night in outlying areas with rarely any witnesses. Smith notes that while newspaper editors sometimes called for extra-legal methods to stand in for the criminal justice system in arson matters, many Southerners saw that "the drama of arson fulfilled a need," a channelling of aggression against "those who controlled the symbols and the means of power and production in an agrarian society" (555,554). Smith's essay calls for a distinction, however, between the dimensions of black and white grievance expressed in arson as social protest, between Southern arson being both "an outlet for class conflict" and "a vehicle for racial protest" (561).

Ab's arson is socially, economically, and politically much more than it seems, then. Contrary to Brenda Sartoris' reading of the story, Ab is not pathologically flying in the face of his employer's, his community's, and even the court's generous social inclusion. Nor does Snopes receive, according to Sartoris, "both justice and mercy in each of the hearings" (93), as a supposed continued gesture of the noblesse oblige that Sartoris argues embraces him even as he abuses its limits. Rather, according to Moreland, Ab's arson represents a purposeful gesture that

> repeatedly provokes, frustrates, and escapes all such attempts by his society to account for him in terms of its usual mediations and resolutions: Ab provokes these resolutions to the point of exposing the violence of the oppositions they usually disguise in order to preserve and repeat them [the oppositions] compulsively. (13)

Moreland thereby sees Snopes as deliberately, ironically, invoking law as its own quiet, efficient violence, a social force for supposed conflict resolution, while exposing law's impulse to mask all the social oppositions and crises that exist at the heart of the conflicts, inevitably perpetuating them, perpetuating itself. Law creates, in this reading, constant need for its conciliatory role while always deferring reconciliations. Law goes on masking to ensure it goes on.

Moreland's argument for the way law functions in this story finds some corresponding views in recent speculative legal discussions. This account of law as often producing its own social need, producing itself, has been taken up by recent studies that attempt to explain modern law as emerging as autopoietic process. François Ost states in "Between Order and Disorder: The Game of Law," that "the product of the operation of an autopoietic machine is nothing other than itself" (72). Ost allows that legal systems can adapt to an external (social) environment but function chiefly as closed systems: "[o]nly the legal system, through its autopoietic functioning, is capable of conferring the quality of legality on the elements it determines. Thus..., [it ensures a] reproduction of legal elements by themselves" (75).[2] Gunther Teubner also advances the possibility of law as autopoietic system by arguing that neither legal norms nor legal actors are any longer the basic units of legal systems but that the emergent element is the legal act and that "recursive reproduction of legal acts constitutes legal autopoiesis" (4). Teubner concedes that notions of legal autopoiesis are controversial and that their acceptance would constitute "a full-fledged paradigm change" (7) regarding law and society.[3]

While similar to the views of Ost and Teubner, Moreland's reading of law in the story significantly runs counter to part of Drucilla Cornell's view of law as a system, one not only capable of but defined by its chief ability to produce its own closures. While Cornell argues in The Philosophy of the Limit (1992) that it is "precisely the 'jurisgenerative' power of law to create normative meaning that makes law other than a mere mechanism of social control" (104), she also points out, following Niklas Luhmann, that for a legal system to remain a system it must form a set of operations through which normative closure can be achieved (121). In contrast to such closure, however, Moreland's sense of law's chief interest lies in its acts of deferral--"in order to preserve and repeat...compulsively" (13).

---

[2] Ost goes on to discuss several of his own objections to this model, and doubts that a legal system can exclusively generate a self-sustaining authority that ensures the binding force of its own rules. He proposes the view that the autonomy of law is an "autonomy under dependence" (94).

[3] In "Talking About Autopoiesis--Order From Noise?," Peter Kennealy, who rejects the theory of legal autopoiesis, argues that, as a metaphor, such a notion helps to account for the legal system's self-description and circularity and concentrates on legal self-referentiality as "a real phenomenon in law" (357). Kennealy, interestingly enough, also cites H.L.A. Hart's secondary rules as another, more accepted version of such self-referentiality.

Although viewing law as similar to a compulsive repetition machine, Moreland reads Snopes as the intentional ironist in the system. After all, Snopes seems more aware than anyone else in the story, with the possible exception of the narrator, of what is at stake and what both legal and illegal actions can mean. He is more aware, as well, of what his region's legal system really stands for and what it both manages and fails to accomplish. Since his ironic attempts at disruption are veiled and nearly inscrutable, however, his consciousness of law's coercion finds no communally readable expression.

The opening of "Barn Burning" best establishes the reading of law as a deceptively sealed system. Surprisingly, though, Moreland does not make mention of Faulkner's rich suggestion of a coercive order underlying the appearance of a comfortable community. The story opens with the small land-owner and farmer Harris testifying in his case for arson against Snopes. The court session is set in a small grocery store, the hub of communal life, conversations. It is certainly, in a great many informal ways, the site of negotiations and conflict resolutions which comprise the felt life of community. The store's chief activity, of course, is to provide sustenance for those who can meet its price. Holding court in the grocery store, with only a plank table serving as the symbol of official authority's inoffensive appropriation and reordering of this space, seems at first to offer the assurance that law is a knowable and folksy matter here, a ruggedly efficient, inclusive, and equitable home-grown jurisprudence. The narrator's repeated references to the smell of fresh cheese (3) assure both the reader and the characters enmeshed in the proceedings that law's purposes are utterly practical, its connection to and concern for every member of the social order as universal and necessary as the food stacking the walls, literally framing the legal proceedings that themselves frame social and economic activities. This is a world, the opening setting would suggest, where participants hunger after and are quickly made satisfied with available forms of justice as much and as naturally as after less abstract, less contingent forms of nourishment.

But such notions of openness and a social "naturalness" are immediately complicated by the narrator's references to two aspects in his introduction that betray the legal (as well as social, political, and economic) conditions of the world that "Barn Burning" portrays: Sarty's physical hunger and the repeatedly mentioned sealed nature of the store's goods. The boy's stomach actually seems to replace his senses as he surveys "tin cans whose labels his stomach read" and contemplates "the hermetic meat which his intestines believed he smelled" (3). This displacement of the powers of sight and smell to intestinal urges indicates not only the physical need through which Sarty views his world, the way he most seems to know his world, but a false transference of cognitive perception to the non-cognitive aspects of the body. This impossible transference, a false perceiving, underscores the other false relations and equivalences in the story through the law's ordering of a social world in neglect of the physical needs of some members of that world.

Faulkner's court is ignorant of or indifferent to the social and economic contingencies of all but its own existence in "Barn Burning." After all, in the first court scene, it is the plaintiff Harris, not the court, who calls off the prospect of Sarty's testifying against his father.[4]

---

[4] As John Duvall points out, drawing on Mississippi Reports and Mississippi Code, witness testimony of a family member was legal in Mississippi, where "the only privileged

While such family testimony would perhaps secure a legal victory against Snopes, or else force the son to perjure himself to shield the father, the testimony would certainly risk dividing a family against itself. The court's ability to compel family testimony would thereby rend irreparably the only fragile cohesion and community that these itinerant poor whites have. In this instance, in which Sarty "felt no floor under his bare feet" and "saw the men between himself and the table part and become a lane of grim faces, at the end of which he saw the Justice, a shabby, collarless, greying man in spectacles, beckoning him" (4), Faulkner again deceptively imparts assuring qualities to his depiction of a judicial power: "the Justice's face was kindly [and] his voice was troubled" (4), presumably over the legal prospect of eliciting testimony from a defendant's child on behalf of plaintiff. Yet the court also occupies a strict utilitarian neutrality on the matter: "'Do you [Harris] want me to question this boy?'"(5). The court will use, perhaps even abuse, the full range of its legal power to protect property. And although eliciting such testimony was Harris' own suggestion, his best _ad hoc_ legal strategy arrived at in an understandable huff, it is again Harris,

---

family relationship that obtained was that between husband and wife" (77). In fact, Duvall cites the appeal case of _Bishop v. Mississippi_ (1944) where the court ruled that the trial court did not err in allowing a ten-year-old boy to testify on behalf of state, though nephew to the defendant, as long as the boy understood the meaning of the oath (77).

the injured plaintiff, not the court, the entrusted arbiter of values and notions of the greater good, who decides against this prospect and its damaging implications for family:

> 'No!' Harris said violently, explosively. 'Damnation! Send him out of here!' Now time, the fluid world, rushed beneath him [Sarty] again, the voices coming to him again through the smell of cheese and sealed meat, the fear and despair and the old grief of blood. (5)

Faulkner thereby demonstrates that Harris, a struggling farmer, will reluctantly absorb the loss of his torched barn rather than secure a legal remedy at the price of this family's division from within. Significantly, the court, certainly aware of the stakes before it, the personal and social price of legal remedy here--the "trouble" in the Justice's voice--places the ethical burden solely on the angry plaintiff, essentially dividing him between his own best financial and legal interests and his conscience. The court, as I read it here, is prepared to act in service of questions of property but will adopt a passive role on all other ethical matters facing it. Like the beckoning sustenance Sarty only thinks he is able to smell, the justice system is not quite as present as it seems. Sealed to all but economic negotiations and property matters, regardless of perceived social needs, the court must then be read against its innocuous appearance of plank tables, kindly collarless men, and seemingly engaged interventionist questions. In a story where Sarty's intuition tells him he can locate social hope and peace, the law itself must be read counter-intuitively to sift through to its interests.

The story's depiction of the local store as substitute for the Southern courtroom also has implications beyond a deceptively hopeful reading of an engaged, responsive justice in operation. The store, although reinforcing the economically mediated conditions of all things in a social context (from food to jurisprudence), also stands for the living presence of a striving, if deeply flawed community. Since Snopes' insistent protests through arson, whether read politically or not by a court, create serious problems for his temporary communities, Snopes is positioned by Faulkner as wilfully harming community wholesale rather than confronting the law and its economic partnership at its selective points. Harris, after all, is no plantation owner holding power over Snopes.

Faulkner thus deliberately presents a law-defying character for whom readers can have little initial sympathy. Moreover, the narrator's mention near the story's end that Snopes was a free-lance looter in the Civil War, having "gone to war a private in the fine old European sense, wearing no uniform, admitting the authority of and giving fidelity to no man or army or flag...for booty" (24-25), further degrades his potential ethical standing. His own exclusive allegiance to a narrow, exploitive economics, then, at a time of massive social and regional strife, pushes him far outside communal bounds and bonds.

This figuration of exploitation exists on different scales in the story, however. The legitimate power structure itself in "Barn Burning" merely expands and reproduces those narrow economic loyalties for which the narrator, with typical Faulknerian caginess, invites us to Snopes as does the community. In a transformation of models of enforced social organization, the military settles into the economic in peace time. Indeed, Sarty seems to view engagements with law as a type of civil war all along, looking on the presiding Justice as "'our enemy'" (3) and as the "'Enemy! Enemy!'" (4). That Snopes, formerly choosing to be a war-time scavenger, also needs to be a peace-time scavenger in the plantation system necessarily indicts his aristocratic society more than it does him and suggests that for poor whites, socioeconomic life is approached in terms of an ongoing civic war within the South's social sphere. Stephen Ash points out, for instance, in "Poor Whites in the Occupied South" (1991), that as poor whites emerged from the crumbling Confederacy, some, "determined to test the limits of their power, defiantly challenged the South's ruling class..., and thereby threatened to transform liberation into revolution" (52-3). Although this social threat never gathered force, "for a brief moment white society in the South seemed to stand on the brink of a vast upheaval" (53).

The military defiance of Federal government forces in the Civil War, a foundational moment in Southern history, and Snopes' legal and property defiance are different forms of the same spirit, then, the same Southern self-presentation, though Snopes defies the South's own internal organization.

Faulkner's "Barn Burning" is thus a tale about the brutalities of social and economic exclusion backed up by custom and law and the brutalities of a meaningfully destructive social protest. Beneath these obvious brutalities of social conflict, however, are rich subtleties of communal operation, ones concerning the ways in which the community has produced and continues to produce its own defining conflict. If "Barn Burning" suggests that legal authority merely conceals, unwittingly or not, oppositions that continue to struggle, the legal system here--again, knowingly or not--can be seen to ensure its own authority by backing the economically powerful planter and reinforcing both the dependence and outrage of the excluded. There is no real drama of law here, nor any crisis of legal self-justification; the social need, for Snopes at least, is to overcome, somehow, the nature of economic legality itself, to become somehow present to the law.

Read as a legal protest story, "Barn Burning" takes on dimensions beyond the problem of expelling a troublesome (and wrongly presumed) pyromaniac from a community outraged by his incendiarism. The story instead stands as Faulkner's most blatant depiction of a character's outright, though destructive and doomed, challenge to law's enforcement of economic, social, and power arrangements. And yet Snopes is clearly no social champion nor legal revolutionary, since his combustible actions and equally inflammatory silence offer no explicitly understandable statement about those oppressive arrangements. His actions do not create hope or meaningful defiance for others, especially his family, whose welfare is the cost of his strange and fearless choices. But it remains that Snopes aggressively challenges the form and content of the South's social contract, its _noblesse oblige_, and, in his conflict with de Spain, attempts to enforce his own ironically literalist reading of his employer's imposed, unilateral contract by cleaning the manure-stained imported rug of the master not with water, but with lye.

In this sense, "Barn Burning" is a story of reading law, recasting interpretative frames of reading contract unpredictably. By reading the command of the (plantation) sovereign literally ("'He brought the rug to me and said he wanted the tracks washed out of it. I washed the tracks out...'" [18]), Ab attempts to turn both plantation law and formal law upside down. In his strict adherence to the letter and not the spirit of de Spain's order, which in the plantation sphere amounts exactly to law, Ab displays his unqualified contempt for the interpretative frame that the law will place on both his defiant action and the exploitive conditions of his employment. This contempt may be seen as similar to that which Gilles Deleuze identifies in a broader cultural and mythic context as the masochist's relation to law: "the masochist's apparent obedience conceals a criticism and a provocation. He simply attacks the law on another flank" (88). Ab's silence before the court in the hearing over whether de Spain can arbitrarily introduce a penalty for the rug's damage into their already existing contract further suggests his contempt for the law, his refusal even to become implicated in a judicial language game: "'you decline to answer that Mr. Snopes?' Again his father did not answer" (18).

Deleuze argues that in a concentrated attempt to derive the law from the contract, "the masochist aims not to mitigate the law but on the contrary to emphasize its extreme severity" (91). In so scrupulously seeking the full application of the law, the masochist may be considered a deconstructive agent in wishing to demonstrate the law's contradictions and unfairness "and provoke the very disorder that it is intended to prevent" (88). Deleuze claims that through literalist (contractual) interpretations, the law is no longer subverted "by the upward movement of irony to a principle that overrides it, but by the downward movement of humour which seeks to reduce the law to its furthest consequences" (88). Ab's destructive cleaning of the carpet, according to his deconstructive reading of the verbally imposed contract--the command carried out to its subversion--and his subsequent suing of its powerful owner demonstrate his own painful yet comic attempts to read and expose the various levels of law in his closed society, to reduce social arrangements to their consequences. While not a masochist in many of the ways Deleuze outlines culturally, such as displacing onto the mother the task of exercising and applying the paternal law (93), Snopes seeks legal and social pain as his enforced portion of the particular and larger contracts in which he is enmeshed. That pain forms his private and obscure satisfaction with which he attempts to read and act against the Southern unwritten law of class and social fixity.

"Barn Burning" is, finally, an examination of particular Southern social mediations, of interpretive frames, the most important here being law and its reflection in and endorsement of the planter aristocratic power. Sarty's sense of a nostalgia at story's end (24), however, signifies the attempt to find a mediation between the actions of the (economic) present and the hope for some meaning other than law that socially rescues his father. I read an underlying Southern nostalgia in the story thus standing in for the supposed social function and equity of law, at least for Sarty, who is prepared to accept his social positioning, though perhaps unaware at his age of all its attendant denials and enforcements. The narrator's privileging of Sarty's consciousness at certain points, as the boy attempts to reconcile the conflicts he sees, foregrounds the function of nostalgia as social reconciliation in the conclusion when Sarty attempts to position his dead father, now shot by de Spain for a last act of arson, as a hero in the Civil War: "'He was brave!' he cried suddenly. ... 'He was! He was in the War! He was in Colonel Sartoris' cav'ry!'" (24).

Through a mistaken nostalgia, Sarty attempts to return the memory of his father to the social world of which the Snopes have been only ever an exploited part. In this attempted recuperation, Sarty partakes of the Southern social imaginary and its function of absolving guilt and rage through eventual reliance on nostalgia to shape social consciousness, whether the gesture is the court's toward the unwritten, supposedly benevolent contract of _noblesse oblige_ or Sarty's at the moment of his father's murder to the Civil War, a foundational moment in a supposedly consolidated Southern identity.

II.

Faulkner is as intent on exploring the entanglements between the sometimes contending forces of law and nostalgia in his other works. In "A Rose for Emily," probably his most widely known short story and the first to be accepted by a national magazine (_Forum_ in April 1930), he also takes up the question of the sources and forms of authority in civil community, though with exuberant playfulness rather than the grimness of "Barn Burning." If "Barn Burning" suggests that law is the designated strong arm of economics, "A Rose for Emily" presents law as a type of game to be played, sometimes as a pressing historical puzzle, sometimes as an ongoing prank. In The Feminine and Faulkner (1990), for instance, Minrose Gwin claims that Emily "plays" creatively by challenging all restraints, paternal and social, upon her. According to Gwin, Emily "subverts the Law of the Father. Within her own physical space, the bedroom where she keeps Homer Barron's corpse, she subverts the culturally defined signifiers of marital love..." (260). Gwin reads Emily as consciously creating "a play of signifiers which undermine their own referentiality...inside the Father's House" (26). With this story, Faulkner also invests a flippant yet corrosive humour into the account of law's ongoing attempts to assert its foundational premises against an individual who asserts other premises equally grounded in authority and, when she risks running out of legal justification, in her own increasing Southern cultural currency.

At several points in her life, Emily Grierson defies written laws on the basis of an authority that the community itself has socially and historically, but also almost mystically, invested in her. Ironically, the community attempts to strip her of this authority and force her to comply with law, the community's more democratically emerging authority, at every encounter. The story's foremost tension may be stated this way: the modernising attempt to establish, with precision, an encompassing symbolic authority through legal discourse--a binding form of writing that creates its own culture--cannot incorporate and control Emily's own personal, non-textual cultural authority. The at once historical and unlocatable source of her authority not only precedes but constitutes the substance of the prior forms of the town's own transformed authority. "A Rose for Emily" presents not only a community in transition, but the official authority in community struggling for an ascendant textual authority over its own originating communal premises, ones founded on interpersonal relations, oral agreements, and extra-legal power in specific persons. In this sense, the story presents the type of cyclical psychological and social struggle--though on the broader communal rather than personal level--that John Irwin in Doubling and Incest/Repetition and Revenge: A Speculative Reading of Faulkner (1975) argues is at the centre of Quentin's temporal anxieties and failed struggle for authority in both The Sound and the Fury and Absalom,

Absalom!: the struggle for the child to assume, impossibly, authority over the parent.[5]

In this temporal sense, Emily embodies a prior force of culture against which an emerging set of laws must contend. While Emily either refuses or cannot recognize law's existence as it pertains to her, law and its authorities are placed in a position to obsess over her, her movements, her legacy. Her position in the story, and in the narrator's rendering, oscillates between that of stolid rebel and, as Terry Heller writes, "the helpless victim of powerful and careless forces" ("Telltale Hair" 306).

Faulkner's story treats humorously the various accommodations of authority to keep faith with itself while failing outright and repeatedly to make Emily "legal." These various attempts at a final reconciliation on law's terms lead to their opposite: repetitions of alienation, which, at least as the narrator reads the town's view, continue to impart a growing, resentfully acknowledged authority to Emily. The prospect of making Emily "legal," accountable to the emerging social order and its writing, actually widens rather than narrows the social and historical rift caused by her non-compliance. This gap is what Moreland, speaking of the rise of law in Faulkner elsewhere and generally, calls the "social wound" between the community and the rebel (201, 210). One of law's social functions is to close, or appear to close, this "wound." In Emily's case, Faulkner makes ambiguous the offender's own awareness of her ongoing and varying transgression. The narrator alternately suggests that Emily may well have lost her ostensibly Victorian mind wholesale, or that she may be in an extended form of traumatized temporal denial, or, more complexly, that she may be deeply situated in (but perhaps also partly, strategically feigning) a type of social, legal illiteracy. If this last possibility is considered, Faulkner's positioning of Emily against her emerging community is similar to the positioning of Ab Snopes against his planter economy. In both cases, a wilful social and legal illiteracy (which conceals an actual literacy) grants outlaw characters a liminal space in which to manoeuvre both by their intentional misreading of official prescriptions and by their presenting such a socially unreadable prospect in themselves.

---

[5] Irwin argues that Quentin's relationship with his father is defined by the son's attempt at role reversal (60); Irwin reads Quentin's narration in Absalom! as an attempt to command and reverse the authority of time and temporal sequence through the authority of narrative (110-11).

Diane Roberts points out "A Rose for Emily"'s strangely accommodating narrative tone, by which the narrator seems to praise Emily's forbearance and evade any comment upon the barely mentioned crime of killing her lover Homer Barron. Roberts suggests that Emily may even be held up by the ironic narrator as a heroine of the culture: "the narrator seems more proud of the eccentricity than damning of her crime (Homer Barron was a Yankee)" (160). According to Roberts, the masculine collective voice of the narrative perversely celebrates this strange Confederate woman's endurance through her ordeal while failing to see that her actions are an attempt to "triumph over her father" (160), "to retain her moment of power over both time and the male world" (159). In this battle for an impossible ascendancy over time and the authority of the father, Emily, as well as the current town authority, seems caught in what Irwin sees as the already defeated effort to usurp the form and power of what has come before. In their separate and opposing methods, Emily and official authority strive after the same grasp of power, enacting this struggle on each other. I would thus extend Roberts' account of Emily's attempt to usurp masculine autonomy to the more specific clash of her will and law's. I disagree, however, with Roberts' estimation that the male narrator is wholly unaware of the dimensions of gender and implicit resentment informing Emily's stance and actions. In fact, part of the case he appears to be making attempts to exempt her from culpability on the basis of her gender and her deserved resentments.

Emily's defiance, or at least the town's definition of her as defiant member, bears on more than personal rebellion, however. The narration, operating at a self-aware, possibly self-parodying remove, seems most focussed not on her, but on the changing ways that authority sees her, attempts to contend with her, and, failing finally to locate her, the ways authority sees itself. John Duvall points out that Faulkner erases Emily's options and imparts to her "a critically destructive power" (127). I would extend this argument to say that Faulkner embraces the ways by which various forms of formal law attempt to erase her social authority but instead work to ensure it and increase its threat.

Faulkner depicts the various ways that authority invents, rather than simply perceives, Emily as a series of tests and limits that force authority to explore its own nature. Duvall argues that Emily's actions throughout the story and particularly at its end force community to confront Jefferson's assumptions about both gender and shifts in the locations of power in the social system (128). According to Duvall, "Miss Emily becomes the icon turned iconoclast" (128) in response to the changes in authority around her. Above all, Emily, as a figure of the historical past and a thoroughly displaced cultural figure, comes to represent a counter-force that involves a traditionally oral culture's resistance to written authoritative language. The momentary substitution of such a figural authority for emergent modern law has compelling force in the world of the story because this unquantifiable authority continues to appeal to the community's imaginative, not literal, social structures. Emily's authority becomes more symbolically powerful than law's partly because hers draws on more than deference to regulation in a Southern town. Emily's authority marks a habit of the communal mind, as entrenched as custom, from which the community both cannot and, importantly, does not want to free itself.

Despite the power struggle the story sets up between the town and Emily, Faulkner's greater concern revolves around authority's more complex conflict with itself. Just as the town authorities are her screen on which to project, so she is theirs. This conflict captures many of the ambiguities at the heart of Faulkner's always shifting communal representations and opens up opportunities to discuss the nature of law, authority, and defiance. Like his cagey narrator, who speaks in communal voice everywhere but is nowhere sure of the nature of the community he sometimes ridicules, sometimes attempts to explain, a community he both loyally includes himself in and cosmopolitanly excuses himself from, Faulkner continually changes the grounds for authority in this story. As I read it, the narrator, laconically, and the town, frantically, puzzle through the ground and nature of authority, theirs and Emily's, and inevitably take up questions of the ground and nature of law, the supposed fall-back position of their new authority.

"A Rose for Emily" presents authoritarian collisions of various sorts. Alongside a particular contest between past and present for authority, it describes tensions between many broader forms of authority: writing against orality; the social force of fully settled regulations against the curious social attraction of the individual defiant of regulation; community against the individual that symbolizes its meaning. This last tension stands at the story's heart, for the story turns on the failed will of a community (as expressed through its official representatives) to enforce its laws when the outcome would diminish a prime symbol of its will and content, Emily. More than a narrative about a clearly marked power struggle, then, the story calls attention to the ambivalence around forms of power that develop from each other. Since the new Jefferson order has evolved or descended from the old, from spoken exchanges, private pacts, prevailing custom, and an aristocratic political economy, the new order of a generally enforced law arising from the increase in commerce and industry which the story notes at the outset (119) must attempt to establish its ideological separateness while fully aware of its own indebtedness to this antecedent social structure. In the attempt to move from status to contracts, from symbols of the past to rules of the present, Jefferson, although increasingly democratic and increasingly and self-consciously outsuited in written laws, remains unsure of the limits of its own authority and the purposes it seeks to accomplish with the use of that authority.

The story thus explores a legitimation crisis at the heart of law and legal forms. This crisis is framed, on the one hand, by the failure to regulate Emily and, on the other, by the eventually successful rise of the institutional, disciplinary society, as its concepts of rules and increased rule-following spread through the social body. For example, the younger authority figures, all significantly anonymous in this tale about the ambiguous power of previously significant persons, are prepared to invoke the letter of the law against Emily, including law's recourse to force (122). With the rise of a punitive legal consciousness, Faulkner thereby suggests law's ability to transform, eventually, the social realm, while he also explores the problems of stability and change in legal and social systems.

Not surprisingly, dissonance reigns. The New South will attempt to compel Emily to conform--to deny the potentially dangerous special recognition in the authority of single persons--while also holding her in an ongoing reverential nostalgia. Law here, and authority generally (including the authority of the narrator, an unmistakable though unplaceable insider to the town's power structures), is divided against itself, attempting both to clarify and restrict legally while keeping enigmatic "their" Emily and all the social, psychological, cultural residue she represents. There is thus a clash of authoritarian frames.

By way of such dissonance, as the contending social discourses of nostalgia and legality each exert opposing claims upon her, Emily effectively embodies what Roberta Kevelson terms the "grotesque."[6] Both fixed and displaced, institution and outlaw, Emily, whom the town reveres and wants to see fall, represents that side of the overlap of codes that produces the grotesque, the contradiction, at the story's intersection of cultural history and legality.

If law can be considered a highly specialized type of cultural memory, then it attempts impossibly both precision and nostalgia in this story. In what is arguably his most benevolent portrait of law, Faulkner insinuates that law is not merely a series of supposedly stable if reductionist rules or the potentially enabling arm of economic, social, racial, and political arrangements (as it appears in The Hamlet, Sanctuary, Intruder in the Dust, and "Monk," respectively). In "A Rose for Emily" law is also a form of constantly expanding consciousness: a social lineage of memory, recognition, and anticipation. If law enables its own defeat in the story, it does so because, as a self-conscious instrument of the culture, it has attempted to conserve all parts of itself equally, to be both new procedures and respectful memory, rules and values against each other. Although much change has come to Jefferson through industrialization and modernization, Emily Grierson, who lives on "what had once been our most select street" (119), represents for the town all that it had once been and is now attempting both to move away from and preserve. She is, in a typical Faulknerian incremental deflation, "a tradition, a duty, and a care" (119). Unintentionally provoking the town's uncertainty about what she represents to community, Emily exists on their temporal, social, and legal margins, never finally forced to comply, never quite left alone.

---

[6] In The Law as a System of Signs (1988), Kevelson argues that when two or more codes are juxtaposed or overlapped in a non-customary way, "we find in the interplay a predominance of the comic aspect of the esthetic, particularly in the...absurd" (85). Kevelson suggests that when this overlap of codes occurs, there is the likelihood of paradox or nonsense yet at the same time the opportunity for new value to emerge or be discovered. But the overlap of codes may also produce the "grotesque," particularly as historically "the grotesque has signified the fusion of two or more frames of reference, or universes of discourse, in a novel and deliberately distorted form" (116).

There are numerous instances where law of some type is mentioned in this brief story. Such frequency demonstrates the narrator's unspoken awareness of what most marks this new modernity for his community, its entrance into the compelling writing of law with its totalizing social ambition. Law's quest for a sheer reasonableness and attempt both to create and to master all that represents the civic are unexpectedly undermined, however, not merely by Emily's possible insanity but by law's own ambivalence to know and accept itself as social meaning. Law in the story, as the narrator appears aware, becomes at its least convincing moments merely the invention of "an involved tale," such as the one Colonel Sartoris, the previous Jefferson mayor, conjures to excuse Emily arbitrarily from tax assessments after the death of her father. Sartoris conjures his legal tale so as not to appear to be resorting to a whimsical charity for a once influential family (120). Curiously, law's being "an involved tale" in Jefferson seems partly revealed, partly concealed by the narrator: revealed in the sheer number of different legal instances (eight) that the narrator alludes to, as the town and reader cannot seem to help becoming enmeshed in law's increasing involvements, and strangely concealed in the sense that the narrator is intent on conveying that law is only one of many activities transpiring in the town and his story. Against law's problematic recurrence, the narrator attempts to imply that law is supposedly no more important than the other, anecdotal representations and social exchanges reflecting and controlling community.

Yet law marches steadily through the story. Law is much on the narrator's mind. The several instances of law represented vary and include Sartoris' spontaneous though binding tax remittance, the later generation's attempts to serve a tax notice (120), the official visit by the Board of Aldermen's deputation in an effort to enforce the ignored notice, Emily's neighbours' threatened health action for the constant odour emitting from her property ("Isn't there a law?" [122]), the town's earlier near resort "to law and force" (124) to recover Emily's deceased father's body from her home three days after his death, the town's decision to employ Homer Barron's northern construction company for sidewalk paving (124), the disputed will of Emily's mother over which Emily's father had fallen out with his wife's family (125), and the requirement to provide explanation of use for purchase of arsenic, as "the law requires" (126).

Though obviously fully present, law does not escape being called into question. That Sartoris invents "an involved tale" (120) about Emily's father loaning the town money so that the mayor can explain away graceful special considerations raises the central concern of exactly who has the power to author what comes to be--or, both different and the same, have the force of--law. As already noted in Chapter One, Robert Cover refers to the creation of new legal meaning as "jurisgenesis" and argues that such meaning attempts to create a normative universe in which that meaning itself can take hold. Faulkner's story also explores the ways by which law offers itself as such a naturalizing force, so utterly reasonable that any exceptions to its prescriptive force must have their source only in unreasonableness, sometimes in forms of insanity.[7]

Of course, Emily's own puzzling actions only help to consolidate law's seeming inherent naturalness and the supposed insanity of resistance to even its minor prescriptions, such as Emily's refusal to have a mail-box affixed to her residence. But there lies a subtle suggestion of law as a fiercely imperial, not a quasi-natural, structure in the narrator's almost smuggled use of a military metaphor to describe Emily's successful deflection of the Alderman's deputation: "So she vanquished them, horse and foot..." (121). This military metaphor works on two levels: a legal level as the force of arms behind the reasoned arguments and a more culturally specific--Southern--one drawing on the psychological residue of the Civil War. The irony of the metaphor's culturally specific reference is, in itself, two-fold: first, law is figured not as the naturalized order but as the alien invading force advancing upon the grand Southern symbol of the helpless but aristocratic spinster; secondly, in a happy Southern revisionist fantasy, law, as that outside invading force, is successfully repulsed, "vanquished." The narrator's veiled Civil War reference, with its antiquated cavalry terms, "horse and foot," thus betrays his strong identification of Emily with the South. This identification adheres, despite his intentional irony (since they are all Southerners) and despite the strong likelihood (since he seems to be as aware of the story of Jefferson law as of Emily Grierson's story) that he himself is a member of the town's younger generation of legal power-holders. Nonetheless, he positions both law in this instance and those who attempt to wield it as a marauding force to be repelled by the usually quiet locals. This dissonance between his own public position of spokesperson and his private sentiments suggested in the metaphor, between the prospects civicly vanquishing or being vanquished by Emily, a Southerner "unreconstructed" to law as it applies to her, creates the strangely intimate yet evasive tone of the narration.

---

[7] In Requiem for a Nun Faulkner presents a similarly Manichean split between the reasonableness of law's measure and the desperate insanity of Nancy Mannigoe's infanticide, precisely so as to call this split into question.

The narrator's awareness of his own involved tale's scrutiny of the puzzling origins and conditions of law is also demonstrated in the story's third paragraph. The narrator explains that Emily's status as "hereditary obligation" upon the town began when Colonel Sartoris performed the "official" tax remittance orally in 1894 (119-120). Since there has been no wider agreement or process of legislation to enact this amendment to general Jefferson tax law, Sartoris clearly feels himself to embody that part of law that speaks itself into being as a type of legal speech-act. Here, as legal realists would point out, law is that which legal officials do. As mayor, Sartoris has arbitrarily spoken a law into existence, one that exists through Emily's life despite its subsequent challenge by the next generation of city and legal officials.

Although there is an apparent intensification of formal legality as code and culture in the choice of Judge Stevens, Gavin's father, as the next mayor, Emily's cultural capital persists as problem and counter-force. There still remains the town's authoritarian adherence to special personal consideration and previous codes of honour, despite growing communal unrest regarding Emily. This point is illustrated by Judge Stevens' treatment of the continuous odour emitting from Emily's property. Though doubly authoritarian as Judge and Mayor, he strives for social, not official accommodations: "'Why, send her word to stop it [the smell],' the woman said. 'Isn't there a law?' 'I'm sure that won't be necessary,' Judge Stevens said" (122). Such official deference to Emily's unofficial authority is suggested further and intensified as a form of continuing Southern chivalry when the youngest man on the Board of Aldermen, described by the narrator as "a member of the rising generation", suggests that Emily be sent "'word to have her place cleaned up. Give her a certain time to do it in, and if she don't...'" (122). To this reasonable civic proposal--though clearly a legal ultimatum whose penalty is left unsaid--the highest ranking legal and political official in Jefferson replies, "'Dammit, sir,' Judge Stevens said, 'will you accuse a lady to her face of smelling bad?'" (122). Significantly, this exchange occurs between legal and political officials in the story, between a young Board member invoking law with its recourse to unspoken force and the elder Judge invoking tolerance of eccentricity and deference to an other sort of authority. This exchange makes explicit the force of culture that accrues to Emily and shields her from the force of law. Judge Stevens' recourse is to a code of Southern manners, an unwritten social contract, that is prior to and still present within his conception of the functioning of law. Since his sense of chivalry is cultural, it already outweighs any conceivable points of law that could be raised by either neighbours or young aldermen.

A problem of legal unity thus continues to open in the story that we have already seen swirling around Emily's tax status. If economics accounts for the reasoning and commitments of law in "Barn Burning," an unaccountable personal cultural capital conditions law in "A Rose for Emily." As a continuing social force and a legal problem, Emily thus allows certain powerful members of the town--and not only a judge of the sentimental older generation but, notably, the narrator--a tenuous but reassuring sense that local pacts attendant to particular identities, and not only a universal (and universalizing) law, still obtain in the New South. Rather than representing the former dangerous and unaddressable power attaching to particular Southern individuals, such as the aristocratic planter, authority's deference to Emily instead seems to represent a wish for old human particularities in the face of a newly generalizing legal regime. Indeed, what is extended to Emily in both the potentially legally engaging instances of the unpaid taxes and the persisting odour is a type of credit--one financial, the other social--that has previously been central to holding together Southern society.[8] Since both the notions and realities of personal credit were important to Southern social bonds, this feared suspension in the kind of supposedly exact monetary accounting that comprises the ascent of law would meet with predictable resistance. Faulkner depicts the social complexities in the variously stranded Emily's need for different types of credit (financial, social, legal) in order to underscore the changing community's corresponding psychic need to give this credit and so preserve a rapidly disappearing sense of itself.[9]

---

[8] Faulkner also explores the political potential and economic necessity of such credit, often long credit, to forming the social bonds between the haves and the have-nots in his society in The Hamlet, in the operation of Will Varner's store, though he also suggestively adds that the Varners often deal in foreclosed mortgages.

Local pacts, spoken policy, and the continuing power of custom to face down newly emerging law are explored in other important ways in the story. The narrator complicates any endorsement of formal law's full acceptance over and against the inherent force of long-standing general custom by his representation of law as merely the will, whimsy, or spontaneous words of an authoritarian agent. For example, the narrator establishes, or rather slips in parenthetically, Colonel Sartoris' longstanding role as just this sort of inventive and eccentric progenitor of policy and regulation, and not only of Emily's tax remittance: "--he who fathered the edict that no Negro woman should appear on the streets without an apron--" (120). Since Colonel Sartoris is the most historical figure to whom the story refers in its dizzying chronological shifts, he stands in as this community's father-figure generally, his words automatically taken as law. Faulkner thus defines law here not as the force of reason or even custom behind the precept, but solely the words themselves--commands uttered by someone who holds a form of legal authority. This account of contentious law in the town as the product of Sartoris' disposition is the third social explanation of law that Faulkner dangles in the space of a single story: law as widely held, but possibly unexamined custom, no more or less legitimate than other customs ("as was our custom" [123]); law as universalizing policy (in the attempt of civic tax assessment); and law as the power of personality (in the two edicts--there are likely others in his mayoral rule--that the narrator shows Sartoris to utter). What law is and how it functions in Jefferson thus keep being called into question, as these three possible sources and explanations can only presumably operate exclusively of each other.

---

[9] Moreland also sees the anxieties around the disappearance of such personal interventions and private agreements in the southern socioeconomic system in The Hamlet, though he argues that such previous agreements, while perhaps comforting, only mask ultimate economic exploitation. Certainly Faulkner's measure of social and legal transitions in Yoknapatawpha takes changing conceptions of credit in a tightly knit community into consideration. In fact, such conceptions of credit are tested and slowly revoked with the arrival in Yoknapatawpha of Flem Snopes--who is Sarty's son, Ab's grandson--when he becomes the clerk in Varner's store. With Snopes comes a new and socially unsettling financial exactness at the store, the centre of community and of many sorts of exchanges other than financial in Frenchman's Bend. This new attention to monetary currency allows the community to see--Moreland argues to see merely exposed--the "entire system of commodity fetishism (in money) and bureaucratic depersonalization (in law) of social exchange" (144).

The narrator's choice of metaphor for the creation of law--"fathering" edicts--is also significant in two ways that connect the particular condition of Emily Grierson to the more general condition of law's ambiguous source and authority in the story. Since Emily's life has been controlled and dictated by her father, whose furious possessive quality "had thwarted her woman's life so many times"(127), her personal and social circumstance is already the product of paternal decrees and will. The spontaneous creation of law to provide her with some economic relief after her tyrannical father's death thus stands as a second type of fathering for her, but a benevolent surrogate fathering where the power of the patriarch now attempts to accommodate rather than obstruct her way.

Of course, part of the irony of these developments lies in the fact that Emily's life constitutes not just the subject of a shifting paternal will but the charged space in which all laws--formal, informal, cultural, civil--collide or struggle to counter and account for each other. Biological and legal ways of fathering juxtapose here, as they create the arbitrary conditions of Emily's social existence, ranging from the servility with which Emily lives in her father's home while he is alive to the lack of legal accountability with which she lives there after his death. In a sense Emily, who has already been the enduring subject of a grand, fatherly Grierson will, has managed to subject the Jefferson community and its recent official, legal attempts to control her--to father over her--to her own will. Sartoris' utterance of the remittance, an event which must have either been witnessed by others or reported by Sartoris himself to others for it to have obtained legally in his lifetime, opens up a rift in both Emily's experience and law's coverage, a spat between an uninterrupted series of fathers' wills--Grierson's, Sartoris', and the new city officials'--to dictate the scope of Emily's obligations. And of course a large part of the irony of the story, especially the tribute in the title, lies in Emily's will having a resolve that has outlasted or manipulated all these others--paternal, chivalric, legal.

The stock American theme of the besieged individual wilfully defying authority is complicated in Faulkner's story, however, by the fact that Emily's personal form of control is ultimately far more insidious and death-dealing than that of the institutional forces nominally arrayed against her. Although the need for control, rather than quests for attempted truth and justice, marks both sides, nevertheless it marks Emily's much more intensely. Observing this controlling will and seeing Emily's murder of her lover and retention of his body in her bed as its culmination, Diane Roberts argues that "Miss Emily harbours a covert sexuality that destabilizes not only the integrity of the spinster lady but the whole edifice of Southern history and class" (158). In _Faulkner and Southern Womanhood_ (1994), Roberts argues that Emily

> pretended to conform to the Old South code of chastity, all the while revelling in her deviancy. The house [with its locked doors] is simultaneously a shrine to her father's narrow values, with everything left in its nineteenth-century place, and a denial of Grierson sexual decorum, with the dead lover's corpse enclosed in an inner chamber. (159)

Whereas Roberts, like Duvall, sees Emily as both accommodating and defying the considerable cultural authority around her by turning social premises against themselves regarding the Southern aristocratic codes of upper-class female sexuality, I see the same contradictory cultural pressures being played out primarily along notions of legality. However, Emily's outsider legal status and taboo sexual status converge at story's end when the remains of Homer's corpse are discovered in Emily's bed after her funeral.

Social fictions, their endorsement and subversion, themselves form much of the subject of the story and bear on law as they bear on the story's other fragile concerns, such as courtship, family, manners, social control, the presence or absence of a representable community viewpoint, and the presumptions and perils of story-telling itself. In fact, Roberts largely reads the story as the quiet but desperate scramble over the control of such fictions. Similarly, Minrose Gwin sees Emily as one of Faulkner's female characters with the imaginative capacity "to rearrange reality and 'play' creatively" (157), though, like Minnie Cooper in "Dry September," with drastically negative implications to such indulgences of private fictions (157). While seeing Emily as one of Faulkner's unmarried, "unregulated" older women, a select Yoknapatawpha subset of subversive spinsters successful in "disabling the plantation ideology" (157) that ultimately consumes them, Roberts suggests that these women, "literally on the edge" (150), construct counter-fictions to help shape and control their world, "stories that speak their own desire..."(150). In this counter-construction, these characters expose the larger fictions dictating the social world around them. Gwin similarly views Emily, like Minnie and Joanna Burden, as re-creating herself by discovering in her "squeezed, compartmentalized, and devalued" psyche some "freeing force" from social restraint (26). Along the lines of such construction, Emily's psychosexual "fiction" of a continuing lover and man, or at least a man's body, in the Southern house may be seen to coincide with the community's various fictive attempts to construct social and domestic order in the story. For example, Sartoris' recourse to the "involved tale," his legal fiction, sets in motion not only the precedent for Emily's ongoing extra-legal status but the polite lie that becomes a widely observed social truth. Significantly, Sartoris' other decree--that black women must wear aprons in the street--also suggests that race is also a social fiction, which anxiously and increasingly requires additional ocular proof for its support.

Language itself bolsters proliferating fictions that it tries to categorize in the story. The emerging quarrel between orality and writing in Jefferson at the heart of Emily's resistance to law is important to notions of law and to Southern aspects of authority generally. The fact that no written record of Sartoris' particular jurisgenesis of remittance for Emily exists is used by city officials as certain grounds that her refusal to pay is unlawful. However, since the practice was obviously valid in Sartoris' lifetime and over his legal, political rule, it can now be seen to have taken on the force of a recognized custom, and therefore, though not unpoliceable, at least wields some social counter-force to any new notions of its legality. By the sheer unwritten quality of its precedent, the remittance continues to exist, in that it does not exist in and therefore cannot easily be controlled by written regulation, law's written-down-ness. Faulkner shows how the absence of any corresponding legal writing to this idiosyncratic and highly individualized legal "right" applicable to Emily alone is simultaneously seized upon by both sides in the dispute that Emily will not even condescend to fight, used by the town in attempt to revoke her privilege even as the same absence is used by Emily to defy their attempt to rewrite or qualify her status:

> Her voice was dry and cold. 'I have no taxes in Jefferson. Colonel Sartoris explained it to me. Perhaps one of you can gain access to the city records and satisfy yourselves.'
> 'But we have. We are the city authorities, Miss Emily. Didn't you get a notice from the sheriff signed by him?'
> 'I received a paper, yes,' Miss Emily said. 'Perhaps he considers himself the sheriff.... I have no taxes in Jefferson.'
> 'But, Miss Emily--.' (121)

There are several interesting strategic moves in Emily's seemingly uncomprehending but insistent answer, not the least of which is the appeal to the authority of Sartoris, who has been dead almost a decade. Moreover, her seeming inability to recognize authority suggests an advanced senility or, as some critics contend, one of many misrecognitions that constitute her entrenched denial, her eventual insanity. But this apparent failure to recognize official representatives may serve deliberate, strategic ends: to keep from beginning the chain of recognitions that would eventually force her to comply with legal authority's wishes. In this serious and comic scene, Emily thus claims the same proximity to authority that the delegation asserts, but from a different perspective. Emily's answer to the delegation--"[p]erhaps one of you can gain access to the city records"--attempts to separate them, as they are politely attempting to separate her, from an authoritative stance, from the foundation of their authority. Legal writing and records are now something from which she suggests they too are substantially distant and to which they must try, "perhaps," to gain access. In this manoeuvre, Emily carefully keeps the town deputation and herself on equal footing, each occupying an unprovable position of which they are separately convinced. In this reversal of the hierarchy of authority she also implies that the deputation's position is the highly tenuous one, which she might consider, "perhaps," if only they could present more substance to that position.

Although Emily concedes that she has received "a paper," an official notice, her indifference undercuts this paper as a legal document, denies its legality any social potential and reduces the notice to its merely material quality as "paper." In fact, the sheriff, the chief embodiment of law at its immediate level of force of arms in Jefferson, is himself cast as suspect by Emily, the alleged tax culprit. This authority figure may be one who only "considers himself the sheriff" (121). Emily implies that the law itself is now marked most by error and uncertainty, when not by outright imposture. In this confrontation, then, the most official showdown in "A Rose for Emily" between authority's requirements and Emily's own designs, Emily, from her front parlour, turns back on legal authority its assumptions of self-evident (though not entirely confirmable or refutable) authority, while claiming a self-evident legitimacy for herself by the very assumptions and tactics she has just undermined. In this sense, Emily transgressively reinscribes the law.

Following this scene, Faulkner continues to reverse legal categories and categories of authority in the story, this time taking the positions to be exchanged to greater comic extremes as the embodiments of legality and illegality. To solve the problem of the powerful odour emitting from her property, after ruling out both direct confrontation and legal notices, the Board of Aldermen resorts to a covert official action to remedy the situation:

> So the next night, after midnight, four men crossed Miss Emily's lawn and slunk about the house like burglars, sniffing along the base of the brick work and at the cellar openings.... They broke open the cellar door and sprinkled lime there and in the outbuildings. (123)

Here, in this scene (about thirty years prior to the tax deputation's encounter), these legal officials quasi-criminalize themselves in order, ironically, to conserve both their authority and the requirements of public order and ordinance, in this case, health regulations. At the same time, Emily is cast as the solitary and formidable enforcer of her own codes. The reversal confirms in Emily not only her cultural authority but transfers to her, in a nice touch of Faulknerian absurdity, the qualities of uncanny surveillance and a seeming omniscience, the very effects of modern institutional authority:

> As they recrossed the lawn, a window that had been dark was lighted and Miss Emily sat in it, the light behind her, and her upright torso motionless as that of an idol. They crept quietly across the lawn.... (123)

Emily is now figured in the legally impossible but culturally viable position of casting the powerful disciplining gaze, symbolically powerful, while the Jefferson authorities of the moment are caught, transfixed momentarily, in that endeavour. In so reversing the hierarchy of authority in the story, with the outlaw the seeming unassailable enforcer and the sanctioned law-makers clumsily transgressing, Faulkner breaks down all distinctions between sanctioned and unsanctioned authority. He thereby foregrounds the desperate and periodic need for authority to collapse almost completely in upon itself, as a method of the last resort, in order to persist as authority, to pursue its authoritarian goals. This scene of reversal also indicates that the town is prepared to go to great lengths to enforce an inside official legal narrative that only ever exists because everyone, including the officials, are really outside it. Daytime law works here, maintains its civic domain, only by covert nighttime activity.[10]

In its most important sense, however, "A Rose for Emily" is a story about attempts to resist the loss of authority. In this aspect, its Southern and legal concerns entwine. Since Emily is celebrated by the narrator for her social defiance, and legal authority deliberately compromises itself for her sake, she retains her authority as Southern symbol at the price of modern authority: a reversal of the authority of history itself has thus occurred. The overlap in social and legal systems that Emily exploits, wittingly or not, may also be seen to work for, not against, this particular community, allowing them

---

[10] Such interdependence of overt and covert, sanctioned and unsanctioned, forcefully recalls the social and authoritarian dynamic in Hawthorne's "Young Goodman Brown."

(but significantly not her) an impossible simultaneity of the continuing authority of their defeated past and the emergence of a new order, one legally and commercially responsive. This attempt to shore up a diminishing and temporally receding cultural, regional authority is also noticeable in that the only characters mentioned by name--Colonel Sartoris, Judge Stevens, and Emily herself--are from the past, suggesting the presence and authority of an increasingly mythical past over the relative anonymity of a conforming, faceless present. The conditioning cultural consciousness which law creates and on which it depends thus operates here in a constant slippage between newly emerging localized myth and new statute.

This slippage constitutes a contradiction in that community understands itself as strongest, enjoys its cultural excesses, at the points where law itself is prepared to break down. The narrator directly reflects these contradictions between the imperatives of law and cultural motivation. In this larger, more anonymous world, the town's self-appointed spokesperson demonstrates these increased loyalties to what is nostalgically Southern even as he performs with such managerial efficiency the various complex technical and chronological narrative negotiations the story undertakes. Nostalgic, he also seems efficiently modern himself. In this sense, the narrator has successfully become what Hugh Kenner, in his important article on narrative technique, "Faulkner and the Avante-Garde" (1979), argues Faulkner impossibly positions his reader to become: the folksy member of a vanished oral community, where stories circulate and accumulate as a matter of course and custom, and yet a sophisticated reader who can also successfully enter into and manipulate the avant-garde literary techniques of Faulkner's own complex written-down-ness, that store-house of literary technologies (65, 72-3).

What I am claiming here as the narrator's dividedness and doubleness maps out some of the psychological aspects of law in the story. Choosing Emily over the rule of law amounts to choosing a cultural mother over the rule of the father.[11] Just as law socially performs a father function, Emily is cast partly as the unyielding mother figure to this community.[12] The town's social resistance to enforce law fully as it applies to her may be seen as the town's symbolic defiance of the law of the father, if not to resist becoming the symbolic father himself; to subject Emily to law would be, in fact, to become like a father, her father, Grierson, one of the very reasons the community has so much tolerance if not compassion for Emily. This loyalty to a symbolic mother would cast out, temporarily, the authority of the father and would also position the community in the role of torn child, hedging between poles of authority that have legitimate claims to loyalty.

---

[11] Official authority is always male in Yoknapatawpha; women repeat compelling, though unofficial, forms of authority, however. Caddy Compson in The Sound and the Fury and Rosa Sutpen in Absalom, Absalom! are two examples of women who, while born into a world of male discourse, end up controlling the narratives. For an insightful analysis of how Rosa becomes an authority figure as "mother" of the narrative(s) and, in a sense, Quentin's mother in Absalom!, see Rosemary Coleman's "Family Ties: Generating Narratives in Absalom, Absalom! (1988).

[12] I see Emily here as a type of imperial mother generating the continuing claims of both the Old and mythic South, generating the historical narrative from which the New South has derived. Law, figured as male and, through Colonel Sartoris and Judge Stevens, paternal, performs here as surrogate father to Emily before Emily fully emerges as a cultural "mother" to the younger generation. Diane Roberts points out that notions of queenship often served the

A significant symbolic parent-child confusion exists here, however. Since the town also treats Emily, the former Southern belle, as the eternal daughter (just as her father did in exploitatively keeping her with him until his death by repulsing all prospective suitors), the town is already irrevocably cast as her collective watchful parent, not child, as both Sartoris' and Stevens' endorsements and the churchwomen's insistent chastisements make clear. Performing as judicious parent and socially confused offspring, legal authority in this story is continually compromised by anxieties over the contradiction of its role. And perhaps the narration itself seeks to contain these anxieties, not by confronting such social and legal

---

South's representations of white ladyhood (4). As a "queen" in the story, that is imperial, beyond the boundaries of conventional legal citizenship, and requiring special recognitions, Emily is a symbolic mother.

anxieties but by repressing them. The indeterminate nature of Emily's later sanity and the quite determined fact that she is now dead and buried seem offered by the narrator as the double remedy to the rising authoritarian anxieties that her solitary stance provoked. Not wishing to confront her further, nor the multiple untidy implications such contact would occasion, authority simply out-lasts her.

The questions about the sources and uses of authority raised in "A Rose for Emily" inevitably lead back to the impulse driving narration. "A Rose for Emily" is offered as a type of detective story, a genre Faulkner often manipulated. The story becomes so shrewdly "made" into a detective narrative through the technique of the chronology-scrambling narrator, however, in order, apparently, to cover a fairly easily deduced murder, that certain readerly suspicions about the intentions of the design may be well placed. The detective story structure may be employed in this case to cover the event of murder, the single most important plot element to which the narration so resistantly leads. Indeed, the story's structure may be seen as an attempt to exonerate not only the murderer, but the entire town, which likely has suspected the event they deliberately resist knowing. In this sense, story structure and content express each other: the town authorities have delayed confirming anything about the sealed house, Homer Barron's disappearance, the purchase of arsenic, and the foul odour, just as narrative technique embraces its own social comforts and continuing pleasures in story-telling deferrals. As a specialized and sanctioned way of knowing and discovering, Jefferson law thus may be said to foreclose on itself in its bid to protect social unity over and against particular revelations, especially those involving further risks of social fragmentation over a Northern body.

Such a cloaking technique adds a further legal aspect to the story, already carrying with it many concerns about ideas of legality and authority. In essence, the narrator presents an address to his slightly off-balance audience that, through seeming indirection and the joy of story-telling itself, is finally a partial justification for Emily's actions. If not an entrenched and explicit defense, the story stands as a type of plea bargain, for Emily asking for the generosity of memory, insisting that we consider all personal and cultural conditions. The narrator's temporal scrambling, while undercutting the reader's and the town's inclination to condescend that Emily is a poor soul lost in time's march, performs chiefly to erase any logical causality connecting the suddenly acquired poison, a lover's disappearance, and the rotting smells. The narrative continually replaces such moments of sequence with a set of atemporal successions. Terry Heller refers to such cause and effect displacement as the story's presentation of "floating effects" (312). So while the story may often appear to take up law only incidentally, the role of narrator may be identified with that of another cultural figure and regional story-telling persona: the Southern lawyer. By playing dumb, gee-whizzing it, but leading inevitably, through a series of folksy, only apparently self-involved detours, to the point on which everything turns, the narrator keeps Emily's strange act and its implications from the audience for as long as possible, while drawing the audience, at length, as closely as possible to Emily's unusual strengths in unusual circumstances. The narrator, whom Faulkner represents as an authority, and perhaps a legal, figure, thus successfully defends Emily, defends the town, and makes the reader a resource in that defense.

III.

Emily and Ab draw attention to both law and themselves as misinterpreted, infinitely misinterpretable social texts, each products of understandings separately conditioned, contingent, wilfully closed. The crucial difference in these stories and characters, however, is that Ab seeks to challenge law directly and violently in order to force the exposure of its investments in a continuing feudal organization of society, whereas Emily's challenge is a defiance that draws to her a type of ongoing feudal authority, the power in individual persons. As well, Ab challenges law knowing he will certainly lose, but in losing perhaps win a recognition; in this attempt, his son seems his intended audience. Law's repeated engagements with Emily, on the other hand, seem intent on forcing her recognition of it, a recognition strangely yearned for by formal authority as though from a child. While Ab's outright violence provides law with some clear oppositional force to exercise itself against, Emily, never moving anywhere in Jefferson time or space but impossible to locate in the developing economy of authority, forces law inadvertently to challenge different parts of itself over the temporal scale, losing its own surprise engagements.

Certainly it is possible to see both Ab and Emily as strange criminal humorists, exploiting the comic possibilities of legal reading and interpretative misalignments, calling into question the nature and commitments of community. But Faulkner presents "A Rose for Emily" through a communally nostalgic narrator who, following comic structure, makes all the story's unstable confrontations ultimately productive of community, not its questioning. The funeral scene and the collective breaking into Emily's sealed bedroom, for example, work to bring Jefferson momentarily together across generations and forge a transient, if grotesque, consensus of community members that probably would not be present otherwise. Not coincidentally, community appears here, finally, at the expense of both Emily and the law, the story's two opposing forces. The narrator, for his own purposes, attempts to minimize the significance of both Emily and the law by diffusing the potentially charged meaning of the events, of taxes unpaid and murder committed, as just another folksy story told in this story-telling community.

No such attempt at communal redemption, however, real or otherwise, exists in "Barn Burning," which ends in the probably legal killing of Ab by de Spain for the sharecropper's final attempt at destruction of private property (24). Perhaps the main reason for the different narrative tones of the stories and their opposite views of the possibility for the healing of the social wound lies in this--in the nature and seriousness of private property itself. For Emily may be seen to abuse only a sense of ongoing community credit, even to the point where the town discovers, or more likely, confirms, that she is also a murderer and possibly a necrophiliac. Ab, on the other hand, abuses someone else's property and not a communal indulgence, a slightly more serious matter in the Southern context, it seems, than all Emily's misdeeds taken together.

The defiance portrayed in "Barn Burning" and "A Rose for Emily" is important to a study of law in Faulkner because it suggests the possibilities of individual resistances against enforced or impending social orders: against economic regime on the one hand and, on the other, modernization and the approach of law itself. While this defiance is acted out against law and legal presumptions (contract, conformity), it transpires outside legal spaces and is never explicitly articulated by the defiant characters themselves. Their defiance thus goes largely unread, and is easily ascribed pathological characteristics by the community against which the defiance is directed.

In these stories, law consumes, only then to tell about, the acts of those who hold committed, though self-destructive, opposing views. Emily's legacy is the special place in an oral economy that runs and reruns her story as tribute, while retrospectively minimizing her as threat. Ab's legacy is more tangible and less controllable, though never explicitly gesturing to his place or stances in Yoknapatawpha. Ab's grandson, after all, is Flem Snopes, the future citizen who will rise to Jefferson Bank President and represent as communal threat the civic power that his grandfather could only define himself against. Ironically, Flem masters and redefines the Yoknapatawphan codes of institutional power--its own type of literacy--that his father engaged only to provoke as the disciplined force of authority. Flem's rise and the anxiety it constantly occasions in Stevens and the other community power-holders, who seem to fear a type of class contamination, demonstrates there are no political innocents in the world Faulkner depicts. Flem's ascent by the forms that excluded Ab marks not only the increasing institutionalization of society in general but the subtle ways institutional power can now become the means of, rather than the opposition to, acts of social revenge.[13]

---

[13] In The Snopes Dilemma: Faulkner's Trilogy (1968), James Watson reads Flem's institutional rise as just such a patient act of malevolence, as the desire for "the economic domination of his environment" (174). This critic argues that Flem's eventual occupation of De Spain's mansion represents Flem's steady absorption and displacement of the symbols of value and meaning in the community. I agree with this reading, but I would also point out the satisfying irony that Ab's grandson has dispossessed Ab's feudal lord from "Barn Burning" through a series of institutional moves rather than the arsonist's fire against institutional society.

CHAPTER THREE

SANCTIONED INJUSTICES:

VIGILANTE AND INSTITUTIONAL COMPLICATIONS

In Chapter Two, I have discussed the ways in which "A Rose for Emily" and "Barn Burning" map out ambiguous forms of defiance to complicate the terms of legal control. Successful defiance of any degree, however, is a rare event in Faulkner. More often, the author presents a world of crushing forces ranging from the burden of regional historical consciousness to the generational weight of individual families. Two much-overlooked stories, "Dry September" (1930) and "Monk" (1937), explore individual and communal failures to stage necessary defiances. Opportunities exist in these stories to resist the exploitive legal and political conditions in Jefferson, whether those hinging on race in "Dry September" or those of institutional (legal) careerism in "Monk." While "A Rose for Emily" and "Barn Burning" feature resistance to the transformative power of institutional legal activity, "Monk" and "Dry September" detail the evaporation of points of resistance. Taken together, these stories frame my investigation of some of the central excesses of power in Faulkner's represented world, excesses of both official and unofficial community practices. In short, these stories treat coercion and justification.

Faulkner's "Monk" and "Dry September" explore more than simply a community's failed attempts or even deliberate non-attempts at justice, however. While "A Rose for Emily" and "Barn Burning" present curious defiances that threaten social investments and force legal stand-offs, "Dry September" and "Monk" measure the scarcity of commitment to defiance or resistance. Just as Ab Snopes and Emily Grierson are "outside law," so are Minnie Cooper, Will Mayes, and Monk Odlethorp outside institutional accountability, but with a crucial difference. Law and community do not acknowledge responsibility to them. Codes and rules act irrevocably upon these characters, shaping their lives (or deaths) into the worst possible expressions of either formal institutional rules or unwritten communal codes.

Both stories portray social commitments to conscious wrongs and injustices that preserve other hidden commitments: in "Monk," to political ambition; in "Dry September," to the ordering presumptions of race and gender. Both "Monk" and "Dry September" treat injustices observed by all individuals involved, yet both stories bleakly suggest an ultimate helplessness in the momentum of events. This helplessness is registered most in each story by the involvement of an individual of conscience who begins by attempting to remedy certain unjust actions and judgements (both official and unofficial) but ends by becoming a direct or indirect party to injustice.

In "Monk," Gavin Stevens becomes part of a political arrangement that deliberately bypasses a previously undetected orchestration of murder, an individual's wrongful conviction for one crime, and the same individual's arguably wrongful legal execution for another, the killing of a prison warden. At the centre of the story is the mentally handicapped in-mate, Monk Odlethorp. "Monk," part prison story, part communal excavation, examines the reason for which the title character originally is imprisoned on a wrongful conviction. Charles Mallison, the young narrator, now holds the community and justice system responsible for what becomes of Monk, since this wrongful conviction resulted from "one of the shortest trials ever held in our county, because, as I said, nobody regretted the deceased and nobody except my Uncle Gavin seemed to be concerned about Monk" (46). County Attorney Gavin Stevens himself becomes a silent agent of the increasingly complicated cover-up, or at least official non-recognition, of the story's obscurely linked events when he enters, nearly powerless, into a private deal with the released convict who is actually--if arguably legally--responsible for two deaths, Monk's and the Warden's. Stevens must also acknowledge absolute helplessness before the Governor's ambitions, the state's rural kinship ties, block voting patterns, and a communal indifference to the circumstances of Monk, as the wrongly accused, convicted, and executed legal object of law. "Monk" concerns more than legal and communal apathy, however, since Stevens' conscionable attempts at some redress are unable to gather force in events that have stretched from the social to the legal into the political and, after he tells the ordeal to his nephew, fall back into the personal. Because of Stevens' failure at institutional redress, the system of law represented in the story proves itself capable of bypassing even its own powerful representatives.

"Dry September," another of Faulkner's portrayals of false and eventually fatal accusations, locates wrong-doing not in the accuser, Minnie Cooper, who is also inescapably caught in the near madness and force of reductive values of her culture, but in the personal and social compulsions toward false belief itself, that is, the ability of false belief to order and create a reality separate from evidence and all empirical standards of measure. In "Dry September," Faulkner complicates this presentation of compelling false belief by suggesting, bitterly enough, that absolutely nobody involved in the lynching believes Cooper's accusation (which may, in a further cynical twist, never have been voiced). The accusation thereby not merely initiates violent response but arises entirely from violent preconceptions. This story thereby explores unofficial (but nearly official in its widespread white social sanction) communal responses to an alleged crime that transcends legal categories and moves into taboo: in this case, to an accusation, strangely suspended in the account, of a black man's rape of a white woman.[1] Faulkner examines the ways by which the events that lead to Will Mayes' mob lynching gain a sickening momentum that leaves all individuals willingly victims, except Will Mayes, the story's only unwilling victim. The eventual mob involvement of the town barber, Hawkshaw, the sole individual of social and ethical resistance to the momentum of the violent events, focusses the story's concern with the compelling Southern social influences that can engulf even these individuals of vision and conscience, that engulf, then, even that small chance at social justice.

Together, "Monk" and "Dry September" contribute to the sense of nihilism often associated with Faulkner by suggesting that injustice is grimly part of the way things are, the product of the world in which it transpires, politically and socially ensured. While both stories involve crimes, alleged crimes, and the responses to both, they deal differently with law, however. In "Monk," an inside story of law's procedural movements and the difference between law's accepted and enforced limits is told; in "Dry September," an extra-legal story of white, male communal attitudes and action prior to, and preventing, any legal engagement is told. Further, the first-person narrator in "Monk" strives for an ethical exoneration of his uncle Gavin in order to demonstrate that the County Attorney is ethically and politically above the events in which he became enmeshed and better than the indifference with which he met. "Monk," then, may be read finally as a complicated attempt at a moral and legal absolution: for Monk, for Stevens, and curiously enough, for the young narrator.

---

[1] What Angela Davis discusses as the "fictional image of the Black man as rapist" (182) takes on a further dimension in Faulkner's story, since nobody believes that Will Mayes has raped anyone. While the myth of the black rapist presumably held/holds some segment of white population in its grip, Faulkner shows how the code can take effect independent of belief, as an arbitrary convention independent of fear and hysteria.

"Dry September" plays off problems of guilt and justification as well, but instead locates them in a widespread communal and not a strictly controlled institutional setting. Significantly, there are no moments in the story in which a character's interiority is presented, though the narrator is present everywhere that events transpire and in all private moments. This aspect may suggest the technique of journalistic remove, but seems in the end to create a sense of social inevitability rather than unbiased depiction. Although the voice suggests a communal insider, it is both distant enough from and alert enough to the social, racial, and gender investments behind the unfolding events to relate them coldly as they occur, with neither shock nor justification. This story's narrator also seems especially attentive to the ways that the white characters cluster according to gender and inevitably gendered spaces, the men publicly inciting themselves to an empty violence, bereft of any genuine reasons, the women gathering inside indistinct rooms, callously alert for any prospective details related, invented, or accepted by Minnie Cooper regarding her alleged assault. Although Faulknerian narrators are often positioned to suggest that they are ethically and socially more complex than what they narrate, only a jaded tone of weary acceptance characterizes "Dry September." Conversely, a sense of continuing bewilderment--the halting narrative beginning, for instance--characterizes "Monk's" telling. These stories thereby permit an opportunity to sound the attitudes that Faulkner suggests shape official and unofficial legal contexts, as well as sound the attitudes of those who are distant enough or conscious enough to observe that shaping.

Despite the institutional momentum in "Monk" and the social conformity in "Dry September," both stories also register partial resistance and a qualified hope for justice in a world almost void of that possibility. Although Hawkshaw's last-minute conversion to violence under duress seems to erase hope for social justice in "Dry September," we may count the story's distant narrative consciousness as more than just a positioned witness, as potentially an agent for social change in the very telling of the story, though, again, this consciousness seems resignedly non-committal, a careful recording instrument only. In "Monk," on the other hand, the hope lies deeply and clearly in the act of narration itself, and doubly so. Gavin apparently feels uncomfortable enough about what he experiences during the parole hearing and the legal revelations to which it unexpectedly leads that he needs to tell his story to his nephew, Chick Mallison, to work through it all again, this time in the reflection of language following legal events, not language as legal event. Chick, in turn, narrates this story in an attempt to sort out for himself what the events narrated to him might mean, particularly for a Southern family with three generations of legally trained men, and therefore always socially implicated already:

> I will have to try to tell about Monk. I mean, actually try--a deliberate attempt to bridge the inconsistencies in his brief and sordid and unoriginal history, to make something out of it.... (39)

Chick's narration thus attempts to work out meaning at three levels: the events of his uncle's experience, the effect that the legal experience has on his uncle, and the social and psychological effect its initial narration has on him, the story's inheritor. Unlike "Monk," however, "Dry September" makes no explicit attempt to grapple with social implications of sanctioned but corrupt activity and choices. With an attendant harshness, "Dry September" records rather than struggles. I will turn now to "Dry September" and its exploration of the ways that a destructive social narrative fulfils itself in service of unsupportable but recurring Southern social formations.

I.

Minnie Cooper's accusation of Will Mayes as her sexual molester in "Dry September" presents the immediate problem of personal credibility. The story explores the credibility of accuser and, briefly, of accused but examines more extensively the credibility of the town's response to this crisis. Here, Faulkner questions the town's ability to confront its own damaging contradictions of individual and social value; the town's own victimization of individuals whom it later presumes to defend or punish as victims is one of the story's corrosive ironies. "Dry September" may be seen, then, as a study only partly of Minnie Cooper's pained imagination and more importantly of Jefferson's equally painful communal reality.

A striking aspect of "Dry September" is the absence of the central motivating event from the narrative.[2] Minnie's accusation has already been launched when the story opens: "it had gone like fire in dry grass — the rumour, the story, whatever it was" (169). The narrative absence of the first-hand allegation by Minnie is immediately complicated further by the ambiguous possibility that people other than Minnie may have set the allegation in motion: "...the rumour...whatever it was." From the first sentence, then, the grounds, circumstance, and even source of the accusation are uncertain. Hawkshaw, the barber, adds to the uncertainty when he claims to know the accused Will Mayes well, and also claims to appreciate the particular grounds for the accusation (169): "'...if them ladies that get old without getting married don't have notions'" (170). Another commentator adds that "'this ain't the first man scare she ever had, like Hawkshaw says. Wasn't there something about a man on the kitchen roof, watching her undress, about a year ago?'" (171). These comments are only hearsay and the conjecture of a barber shop discussion; however, Faulkner's presentation of Will Mayes' baffled, not initially fearful, response to the mob that arrives at his place of work to beat and kill him casts doubt more successfully on Minnie's allegation: "'What is it, captains?' the Negro said. 'I ain't done nothing. Fore God, Mr. John.... What you all say I done...?'" (177-78). Faulkner carefully suggests that the charge is probably groundless not to discredit Minnie

---

[2] In Faulkner's Rhetoric of Loss (1983), Gail Mortimer points out that this story is framed by significant absences, as Mayes' murder is also missing, but indicated. If the insult or threat did not happen, absence generates all the action, generates presence (54-57). Mortimer's study examines closely the tremendous amount of interplay between presence and absence in Faulkner's overall fictive world, as well as his preoccupations with duality and oxymora. Mortimer also suggests that Faulkner writes the way a dog lies down, circling, trying it, then circling some more (7). As for Faulkner's use of absence, Mortimer argues that the narratives continually call into question what we can know, so that readers share characters' anxieties in the

---

face of loss (8).

Cooper, outcast and marginal woman, but to expose the town and its attitudes that have made her marginal. The probably false charge stimulates the less obviously false beliefs swirling around it and the controlling presumptions of the town's social structure.

Struggles for personal and communal esteem are at the centre of "Dry September." Fragile esteem and sexual politics are the chief reasons that both Minnie Cooper and Will Mayes are the town's victims, and one the eventual victim of the other. The culturally manufactured threat that black men's sexuality supposedly presents to Southern white women is but one of the many tensions in the story, and specifically one used to mask other social tensions. In fact, Faulkner implies that if at least some of the town's spectators/commentators believe that the association between Will and Minnie has any reality at all it is not one of rape, fear, coercion, but rather a relation perhaps desired by Minnie: "'Well, by God!' the youth said.... 'Damn if I'm going to let a white woman--'" (171); "'Tell them, by God!' McLendon said. 'Tell every one of the sons that'll let a white woman--'" (176). In both instances, the speakers echo each other's phrasing, disbelief, and the inability to finish the statement and so accept the implications, even in their own rhetorical invention, of Minnie as possible agent. They cannot conceive of the Southern white woman (especially the spinster) as subject, attach any enabling and wilful verb without damaging the community's entrenched notions: that women are always acted upon, that blacks are perpetrators, that white males are indispensable defenders, that community is a collective capable of judgement, justice, and outrage in its proper place.

Faulkner thus establishes the town's view of women, particularly single women, as narrow and misguided, flattering to the status quo only. The implication of the speakers' refusal to accept Minnie as possible agent implies that Minnie's participation in an interracial relationship would be more offensive to the town's social network than her rape or molestation. Such lurking fears indicate the men's uneasy attitudes towards the town's white women. Such fears also shape their own habitual white male role as both passive and active victimizers of blacks and women. In the dominant community's estimation, the single, forty-year-old Minnie has her consigned role, complete with the mocking and diminishing (because merely associative) communal title of "aunty" (174) and is thus considered unchangeable, unwanting. The controlling idea of a respective space, of social organization and constriction, extends to this "spinster" no possibility to become a subject.

In effect, "Dry September" presents a particular single woman's presumed choiceless life lived in a transparent box. Besides the structural, grammatically-expressed bias of her society, as well as the dangerous business of restrictive naming, Faulkner explores the notion of woman as privately or communally owned property, as viewed object. The story accordingly has a claustrophobically voyeuristic sense as the reader watches the town watch Minnie while she observes and responds to the town's observation of her. Section II of the story watches Minnie even more closely and presumptuously by supplying her social biography. The fact that this is the story's briefest section captures further the violence of summary and dismissal that Faulkner addresses here, as he also does in "A Rose for Emily," another communal telling of an individual unwilling or unable to fit into the community's definition of female being and married citizenship.

Minnie's sense of being a scripted player in a public theatre is strong, before and after the sexual assault allegations. She "wears" her face, carrying "it" to parties, "like a mask or flag" (174). She had once been "popular," riding on the "crest of the town's social life" (174) and therefore gloriously on stage in a small place. The voyeurism becomes more insidious, however, when she is "relegated into adultery by public opinion" (174) for her uncertain relationship with a bank cashier; since they are both single, the "adultery" can only be an infidelity to the town's fixed notion of her as spinster. But voyeurism, and its implications of the surveyed as helplessly scripted object, or, as in this case, town property, has its most chilling aspect when Minnie actually prepares for this public viewing following the sexual assault allegations. Her response, then, is directly opposite to that other much-watched Jefferson woman, Eula Varner, who is both stoically and comically indifferent, uncoerced by a communal gaze. With Minnie, however, the assigned role is the greater, perhaps only, part of social reality:

> While she was still dressing the friends called for her and sat while she donned her sheerest underthings and stockings and new voile dress.... [A]s they walked toward the square she began to breathe deeply, something like a swimmer preparing to dive. (180)

Minnie thus colludes with the town's increased objectification of her after the allegation, according to the town's reductionist sensibility. The account of her nearly transparent clothing, a social cover that does not cover, portrays a willingness to see herself as newly regarded object, as a looked-at woman, seen by and consequently given value by men. In the intense voyeuristic public atmosphere of "Dry September," Faulkner precludes the possibility that she is dressing entirely or even partially for herself; for example, her characterization partly hinges on references to both actress and athlete ("like a swimmer"), both public physical performers whose performances are gauged by attentive audiences: "even the young men lounging in the doorway tipped their hats and followed with their eyes the motion of her hips and legs when she passed" (181).

So in the central tension surrounding the sexual assault accusation, Faulkner does not only pit a marginalized but socially retaliating white spinster against an even more helplessly positioned black man. Rather, the author questions the structures of the community that determine the personal worth of these individuals. By giving neither Minnie, because of age, gender, and marital status, nor Will because of race, any secure or meaningful place in the life of the community, the community destructively turns its victims against it and against one another.[3] And again like Emily Grierson, Minnie refuses to accept the complacent victimhood thrust upon her; her stance is rather active and victimizing in turn, perhaps indicating that this may be one of the only substitutes for genuine resistance available in Faulkner's world.

Women themselves help to enforce the town's code of reducing women by constantly reminding Minnie that her role is passively to observe life around her. This attitude indicates their complicity in inscribing her, and in inviting her to inscribe herself, as social victim, object of sometimes derision, sometimes pity. When the Memphis bank cashier with whom she had been involved returns to the town each Christmas, but not to see her, "they would tell her about him, about how well he looked, and how they heard that he was prospering in the city, watching with bright, secret eyes her haggard, bright face" (175). These women who find places in the predatory, exclusionary structures of society delight in excluding those who do not, and Minnie is excluded from the social structure as a matter of course and not by any judgement personal to her. Since Faulkner's story explores communal power and the costs of role-playing, Minnie's retaliation from within her proscribed role is the social and personal consequence of suffering such arbitrary positioning and exclusions, of having to live with and be defined by that politics of diminishment.

---

[3] Mayes' exclusion is more strongly registered than Minnie's in that he is allotted so little narrative space, represented only in the frightened moment in which he encounters the small mob arriving to lynch him. Mayes is thus portrayed only at the moment of collision, his life represented only at the point of its arbitrary extinguishing.

The narrator seems aware of his story's insidious social logic and the frightening but consistent effects it dramatizes. Minnie is chiefly motivated by a desire to raise her social worth, to be somehow brought back into the group. Incidental to this desire (but nonetheless revealing), she wishes as well to renew any sexual interest in herself. But a woman's social worth in the represented community is determined almost exclusively by male estimation of her sexuality, and previous to the alleged Will Mayes incident, Minnie's value is low in such an already reductive market: "sitting and lounging men did not even follow her with their eyes any more" (175).

Minnie and Will are not the only victims evident in the story. McLendon's wife and McLendon, the mob leader, are presented as individuals trapped by the town's and their own definitions of themselves. With his wife, who remains nameless though she addresses him by name three times in her few sentences (182), he is as adversarial and confrontational as when he is in the barber shop after hearing of Minnie's alleged attack. At home, as in the shop, he is "poised on the balls of his feet" (172, 182). The irony that he has supposedly protected the honour and safety of a woman (all women?) by killing Will is thus belied, even as an illusion that he might indulge in, by his violence toward his wife:

> 'Don't, John. I couldn't sleep.... Please, John. You're hurting me.'
> 'Didn't I tell you?' He released her and half struck, half flung her across the chair, and she lay there and watched him quietly as he left the room. (182)

McLendon thus appears doubly a victimizer: a murderous opportunist who explodes ostensibly in the defense of his community and its notions of white womanhood, black manhood, and enforced space--while all the time being a part of the community's persistent creation of an ideology, even an hierarchy, of victims--and also an abusive husband. McLendon has made victims of Will and his wife directly through violence and of Minnie indirectly through the passive violence of labelling and consigning. But while André Bleikasten considers McLendon similar to Light in August's Percy Grimm, as "a dutiful criminal, a pure-hearted killer" (312), such an estimation is at once too dismissive and too substantial. I would argue that McLendon is a type of victim himself, a man in the cage of his own mentality and social definitions and their injustices and contradictions in the lived life of the community. Just as Minnie may be seen as living in, sometimes fighting against, the box of her allotted identity, so McLendon at story's end seems trapped: "He was sweating again already, and he stooped and hunted furiously for the shirt. At last he found it and wiped his body again, and with his body pressed against the dusty screen, he stood panting" (183). His body pressing against this "screen," this tangible boundary, McLendon seems both self-aware and wilfully confined.

McLendon is also imprisoned by his inability to rise above obsession, violence, and territoriality to any authentic sense of inclusion, love, or passion. "Decorated for valor" (171), McLendon may be partially a victim through his formal training, his own institutional notions about himself. Joan Smith observes that "military men, probably more than any others, spend their lives in a state of repressed emotion.... A key element of this identity is their distance, their separateness, from women..." (109-110). "Dry September, then, gives us a type of food chain of victimization: a situation where all, eventually even Hawkshaw, who begins as an individual of conscience, are drawn into an angry and despairing fantasy by their own powerlessness and their contribution to the powerlessness of others:

> The others expelled their breath in a dry hissing and struck him [Will Mayes] with random blows and he whirled and cursed them, and swept his manacled hands across their faces and slashed the barber upon the mouth, and the barber [Hawkshaw] struck him also. (178)

Clearly the unnamed film that Minnie and her friends attend near the story's end also aids in the creation of social fantasies and fears in several ways. The film and the social ritual around it contribute to society's peddling of fantasy that ultimately works both for the construction of identity and against the self-esteem of individuals in society, whether they are male or female. Faulkner describes the film with an ironic mixture of reverence and parody. The description of the adolescent movie-goers as "scented and sibilant in the half-dark..., their slim, quick bodies awkward, divinely young, while beyond them the silver dream accumulated, inevitably on and on" (181), suggests that the mass-production and marketing of film both provides and allows participation in a modern mythology, an over-produced chance at transformation, self-imagining and grandeur. The reference to the film as life beginning (181), a suggestion that this celluloid celebration is somehow truer, more essential than the life lived daily by theatre-goers, offers cutting comment on the desire, perhaps even necessity, for illusion and fantasy in Minnie's life and her community's. The implication that the constant illusion and relentless self-aggrandizing techniques of film have been absorbed by a community hungry for a better sense of itself and its strained social fabric stresses the importance of fantasy for white Southern society. The false nighttime heroics of McLendon--really coercion, assault, kidnapping and first-degree murder--and Minnie's "casting" of herself as victim, and "valued citizen" because sexually desired and vulnerable female object in her town's sensibility, are the specific attempts at personal significance and renewed meaning in angry, embittered lives, and also within the heavily imagined social structure, at the significant cost of Will Maye's life. One important distinction between McLendon and Minnie exists, however. McLendon chooses to persist in his role, even to the point of unprovoked homicide, while Minnie hopelessly continues as victim in hers, even into eventual madness: "But soon the laughing welled again and her voice rose screaming. 'Shhhhhhhhhhh! Shhhhhhhhhhhhhh!' they said, freshening the icepack, smoothing her hair, examining it for gray.... 'Poor girl! Poor Minnie!'" (182).

Faulkner's community thus hides its tensions and unconfronted contradictions as the gang does Will's body: in silence and submersion. Faulkner's story chronicles the falsity ("'Happen? What the hell difference does it make?'" [171-72]) and social vulturism ("their eyes darkly aglitter, secret..." [182]) of those who accept all the roles, all the limitations and shows how all the costs that community members cannot fully perceive are also and inescapably to themselves. Pivoting on an almost certainly false charge of sexual assault, "Dry September" does not seek to undermine women's fears and concerns. Instead, Faulkner's story powerfully questions the inherited and constricting roles that his unquestioning male and female characters habitually play out without progress and to their own harm.

II.

"Monk" institutionalizes the apathy, corruption, and social indifference to truth that "Dry September" shows on its streets; it makes indifferently official the unofficial. The concerns in "Monk" differ from those of, say, "Barn Burning" in that the official legal characters' connection of law to their own self-serving political and economic conditions is fully conscious and deliberate, articulated by the characters themselves. In "Barn Burning," on the other hand, the court seems unaware of its own crucial bolstering of a political and economic system and instead envisions itself merciful and fully responsive to the precarious conditions of the impoverished parties before it. The representation of law in "Monk" is similar to law's representation in, say, "A Rose for Emily" in that a dispute within the workings and conception of law itself is the source of the ethical tension. The two stories are significantly different in that the conflicting visions of law's aims in "Emily" arise from a sustained attempt to preserve something of sensed cultural value to the community, while "Monk" presents the whispered dispute between high-ranking legal officials, the County Attorney and the Mississippi Governor, to arise solely from the different positions that legal officials take to their own indifference to how official law functions. Thus, while the events of "A Rose for Emily" pivot carefully on authority's reluctant legal clarifications, the events presented in "Monk" slide irrevocably past on erroneous institutional momentum. "Monk" and "Dry September" are both about indifference to justice and the ways that indifference is conditioned by institutions and cultural codes, both of which enforce and stand for forms of "law." Significantly, both stories discussed in this chapter demonstrate how cultural codes and institutions produce that indifference.

"Monk" explores private ethical struggle over public law's functioning in a specific instance. Chick's incredulity toward the legal events told to him provides the motive for narration. There are certainly questions about whether Chick, as primary narrator, fully understands the significance of the motives and shaping of the legal and political contexts involved in the story of Monk Odlethorp, since it is unclear how old Chick is at the time of Gavin's initial telling of the events to him and how long after that point Chick waits to narrate the story himself. We know from The Mansion that he is later a Mississippi law student, but while the language of the story's telling is eloquent after its shaky start, Chick misuses a key legal term, substituting "inferred" for "implied" (51). According to Chick, the Governor

> set a date for the convening of the Pardon Board at the penitentiary, where he inferred that he would hand out pardons to various convicts in the same way that the English King gives out knighthoods and garters on his birthday. Of course, all the opposition said that he was frankly auctioning off the pardons.... (51)

"Monk" treats the awakening of a newly transformed legal consciousness in Stevens, as well. Despite his considerable legal experience, he is sufficiently shaken by the interconnected chain of events to indicate that he recognizes, inexplicably late for a practising lawyer, his immersion in an always uncertain world of law--one conditioned by shifting structures of both power and social circumstance unpredictable and uncontrollable by legal means. These structures and circumstances "outside" law have the power to transform law in unpredictable ways nonetheless. The story explores several such sources outside law that determine legal episode: the power of votes, rural kinship ties, professional indifference, and, importantly, the sheer "clowning of circumstances" (50).

"Monk," however, is cast mostly as an instance of far-reaching corruption that emerges out of institutional indifference. The story disturbingly chronicles a type of social inevitability through the relentless institutional momentum. The corruption and communal indifference that the story details are presented as both contributing factors and symptoms of this institutional momentum. Despite its overlay of pessimism, however, one of the story's ironies is also its hope: the degree to which both Gavin and Chick, Yoknapatawpha's present and future legal professionals, are irrevocably shaken. Indeed, they seem the only ones rattled amidst the strange calm over Monk's circumstance, his alleged, never fully understood, actions and their outcomes. The most discernable motive behind "Monk's" double narration, a relayed narration that draws attention to the personally stressful conditions of its repeated telling, is this rising sense of professional and personal guilt. To this extent, Gavin's (and Chick's) sense of guilt over an expedient legal processing may be taken as the small measure of hope in the depicted realm of institutional wheels.

"Monk's" narration explicitly links law and literature through the limits and gaps in any narration, such as this one Chick tentatively undertakes in order to present his account of the dubious status of legal narrative. This self-referential narrative anxiety at the outset underscores a futility of "the nebulous tools of supposition and inference and invention" (39). Chick states that despite his "deliberate attempt to bridge the inconsistencies" and explain "about Monk," it is only even

> in literature that the paradoxical and even mutually negativing [sic] anecdotes in the history of a human heart can be juxtaposed and annealed by art into verisimilitude and credibility. (39)

He thereby immediately discredits law's attempts at any such social or administrative explanation "about Monk" (39), while also both elevating and discrediting literature as another source of representation: literature claims its credibility to address the problems and paradoxes of life only through the luxury of art, through a comfortable, probably inconsequent "annealing."

The explicit law and literature comparison complicates what follows in Chick's narration. Despite what amounts to a denouncement of both enterprises, Chick turns oral storytelling into what he would certainly regard as a form of literature in the South. Such transformation works to supplement what he considers neither achieved nor achievable by law: a genuine emotional, psychological, and social accounting of Monk. At the same time, it registers lapses in the legal system. This oral history of Monk supposedly becomes a more sensitive recording instrument than the law itself for genuine cause-effect explanations. This "telling about" thereby stands in as a court of last resort for Chick when the legal system fails. As a reflective instrument, however, literature is of little use in the moment of legal problems and engagements, which require shaping through legal narrative (itself the delayed reflections and stories of events and actions). It is these legal moments, these "stories," that seem to matter more than literature to Chick, the reluctant narrator. Despite Chick's immediate disavowals of law's possible effectiveness, its inability to "bridge inconsistencies," his story of painful legal episodes where all legal representation fails is told with a disdain for the failing in those engagements that could only come from some deep personal investment and hope in the system of law. Neither Gavin nor Chick would have recoiled as much from what they experienced first-and second-hand were they not both already intently subscribing to expectations of justice in their legal systems, and, even if now disillusioned, fighting that disillusionment.

Chick's sophisticated, cynical disavowal of law in the story's opening thus amounts to a literary pose that attempts to cover the social and legal shock of an idealist. Clearly Chick has not forsaken belief in the potential of law, despite the series of institutional wrongs against Monk, for any tentative belief in the dream of representation in art and literature. In fact, an important part of this story concerns the psychological attempt to retry the original case of wrongfully alleged murder against Monk, from the perspective of a fresh, committed defense counsel.

For example, Chick immediately speculates upon errors in court conduct and conclusions: the original lawyer "perhaps pleaded Monk guilty at the direction of the court" (39). Chick, at this early point as story-teller, also slips into a legally modified vernacular, as though addressing crucial details before an appeal judge, admittedly too late: "as witness the curious speech which [Monk] made on the gallows five years later" (40). Despite himself, then, Chick keeps moving toward, performing, and intervening in the function of the figure of lawyer, particulary the lawyer as effective and committed story-teller.

Further suggesting his implicit faith in a working system of law and the legitimacy of legal representation, Chick states that Monk "had no people and no money and not even a lawyer, because I don't believe he even understood why he should need a lawyer or even what a lawyer was" (39). This amplification of the absence of a lawyer with the adverb "even" betrays a great deal about this narrator's own presumptions as a member of a legal family. He unwittingly underscores the absence not only of a lawyer but of the social knowledge of lawyers and their functions over the other usually more crucial and devastating absences of family and money, rather than recognize that the absence of a lawyer in Monk's life and ordeal derives from the first two absences of kin and resources. He thereby mistakes the social and legal world in which he was born for everyone's world. It is this confusion between his luxurious presumptions and the legal and social reality that challenges the untested idealism struggling to understand Monk and the world Monk's story brings home.

This story, then, is veiled testimony to the struggle either to abandon or sustain some form of hope in society and, more specifically, in its legal system. The narrative's very existence suggests that that idealism, now shaken and mobilized, is still essentially intact and now perhaps functional. The second mention of the absence of a lawyer--"...but then as I said, Monk had neither friends, money, nor lawyer" (44)--again marks Chick's own underlying recognition of the social importance of lawyers by suggesting the extent to which he pins hope for justice chiefly on advocacy itself, despite its dubious, "nebulous tools" (39), and not on any other aspect of the legal system with its own administrative presumptions. Chick's repeated mention of lawyers marks advocacy as the only hope for achieving institutional justice, the only means by which to extract justice from an indifferent system that will otherwise function only expediently.

Among its other concerns, "Monk" hammers home the unsettling fact that isolation from the community increases the possibility of institutional injustice. The story makes clear the narrator's own identification of the predictability and presumed safety of institutions with the security of an established family. For Chick, the double authority of his uncle as instructive father-figure and legal mentor is already linked with his uncle's own communal authority as influential lawyer. As a boy, Chick would probably feel institutionally safe not because of who his uncle is, but because of what and how his uncle knows. Chick the man, as lawyer himself, would also possess the institutional literacy most likely to create, if ever necessary, that magic net, linguistically constructed, of legal safety for those close to him.

Conversely, nothing and no one connect Monk to the public order and its institutions precisely because he lacks the foundational institution of family in a Southern community operating largely on kinship ties. Watson observes that Monk is "allowed to enter that society only in a transgressive, indeed antisocial, role: as a murderer" (151). The story thus foregrounds the strong ties between the family and other Southern institutions at several points, but most notably in Monk's assumption of different identities (and therefore different relations to Jefferson society) with each shift to adopted or pseudo-homes before he enters the state prison, his final location. Monk thus passes through a series of increasingly illegal institutionalized identities in place of a connection to family: from discarded rather than legally adopted child

(41), to backwoods bootlegger when a man called Fraser takes him in, to his final position of the most conceivably absolute institutional identity, state-executed legal subject. In the absence of family, Monk moves through a series of positions defined either against or by the law, with no other mediating identity.

Chick's urgency to narrate, as though he has a pressing debt, may be generated by this dawning recognition: that both his and Monk's relationships to society's institutions and the power arrangements that the institutions dictate are most conditioned, in their regional context, by family relationships, rather than by any individual identity and situation, as the law promises. In this awareness, Chick's own relationship to the world, and the world of law, changes. Chick may well recognize in Monk his social and legal opposite.

In contrast to Chick's social and legal embeddedness in Jefferson, Faulkner establishes Monk's constant uprootedness, his dislocation in a world where being settled, socially enclosed, is to be able to withstand turbulence and trouble. Monk is born in or brought as a baby to the Yoknapatawpha pine hill country, a clearly extra-legal, nearly pre-social region

> in the eastern part of our county...where even the sheriff of the county did not go--a county impenetrable and almost uncultivated and populated by a clannish people who...shot at all strangers from behind log barns and snake fences (41).

He appears to have been raised by a Mrs. Odlethorp, "who lived like a hermit, even among those fiercely solitary people" (41), when her son and a woman with "city hair" (41) return ten years after the son's sudden absence, only to depart again soon after: "it was months later before the neighbors discovered that there was a child, an infant, in the house..." (41).

This unclear custody movement from the son and the city woman, one or both of whom may be parent to Monk, to Mrs. Odlethorp is only the first of Monk's many social and legal transfers and displacements, as he is shuttled about helplessly between no less than five surrogate parental figures, the last being the conscionable Warden Gambrell of the state penitentiary. Here Monk, like the Tall Convict in the "Old Man" section of The Wild Palms, another penitentiary man-child, finds the fullest sense of home he has ever experienced. Monk even remains there after Gavin quickly acts on the unexpected deathbed confession to the original shooting that clears Monk of the wrongful and ridiculous conviction for murder that he has been serving:

> My Uncle Gavin got the pardon, wrote the petition, got the signatures, went to the capitol and got it signed and executed by the Governor, and took it himself to the penitentiary and told Monk that he was free. And Monk looked at him for a minute until he understood and cried. He did not want to leave. (47)

Like Chick, then, but with much ironic twist, Monk finds "home" in an extremely legally constructed world. And the power-holders in that world are similarly his emotionally considered and reciprocally considerate custodians: "crying, he showed my uncle the sweater which he was knitting for the warden's birthday and which would not be finished for weeks yet" (47). Significantly, we learn that the warden has not only befriended Monk, but has "saved him from comparative hell" (49), as a severely mentally handicapped inmate in the mainstream of maximum security penitentiary. Monk remains in prison "freely," then, though it is clear he does not understand legal categories. Stevens, though conspicuously (and perhaps negligently) absent as County Attorney during Monk's original trial, now endeavours to protect this legal subject's interests and perhaps even create a new legal right: "[Stevens] said...that the main thing now was to look up the law and see if a man could be expelled from the penitentiary as he could from a college" (47). The absurd but compassionate implication is that the County Attorney would endeavour to protect Monk from such an attempt, work as experienced legal defense to keep his "client" in the prison in which the original inexperienced defense ended up placing him.

But the notion that Monk feels cared for in an increasingly thick institutional world of law--indeed, a penitentiary being the world of hyper-law, of absolutely nothing but the constant structures, symbols, movements, and rituals of law--is undercut by the many ways in which Monk is failed by the jurisprudence of law. Most significantly, he is let down by Stevens, his unappointed advocate, who attempts, uncharacteristically, to resist both the authoritarian order and the pull of communal indifference, when the County Attorney decides not to attempt a legal challenge to the Governor's political pardons, one of which effectively buries the strange fact of Monk's status as the lethal weapon but not the murderer of Warden Gambrell. Monk's progression from the asocial, pre-institutional world of the hill country to the fluidly codified social and economic world of Jefferson to, eventually, the rigidly codified world of the courtroom, then penitentiary law, not only traces the ways by which Monk's world is increasingly mediated by subtle, then forceful institutions. The progression also demonstrates how Monk faces these institutions and their gestures with the trust that their purposes and promises are genuine and self-evident.

Monk's entrance into Jefferson's social world is thereby appropriately described by the various institutional, socially sanctioned false promises which he has, quite literally, bought. He embraces these claims in the hope for a social identity:

> He was known about town now, in the cheap, bright town clothes for which he had discarded his overalls--the colored shirts which faded with the first washing, the banded straw hats which dissolved at the first shower, the striped shoes which came to pieces on his very feet --pleasant, impervious to affront, talkative when anyone would listen.... (43)

Faulkner makes clear that, for an inexperienced reader of signs like Monk, socialization itself, here his entrance into a world of empty commercial signals and promises, is a bad bargain; without any accumulative self-protective institutional suspicion, Monk quickly becomes a dupe, hopelessly uncritical of all such rhetorical pacts. The implication is that Monk is entirely in the care, and so at the mercy, of all social propositions and public language strategies. In this respect, advertising ("the bright town clothes") as misleading but persuasive public statement, becomes linked to and foreshadows the promises of a supposed equity in formal law, as justice's advertised public policy.

In contrast to Monk's confusion, as Jefferson citizen, Chick's own self-awareness that he now exists on multiple circuits of connection and responsibility (which Monk initially opens up for him by being in the wrong place at the wrong time) is signalled by a meaningful and recurring "train" metaphor: "I don't think [Monk] realized that in lying there [the murder victim] had started a train, a current of retribution that someone would have to pay" (44). This image figures the legal system as a successive set of transfers and progressions that, once started, drives forcefully through to a necessary completion under its own locomotive momentum. It also foreshadows the actual train that takes Monk away from Jefferson to the state penitentiary once the legal momentum is complete:

> He had never been on a train before. He got on, handcuffed to the deputy, in a pair of new overalls which someone, perhaps the sovereign state whose peace and dignity he had outraged, had given him, and the still new, still pristine, gaudy-banded, imitation Panama hat (it was still only the first of June, and he had been in jail six weeks) which he had just bought during the week of the fatal Saturday night. He had the window side in the car and he sat there looking at us with his warped, pudgy, foolish face, waving the fingers of the hand, the free arm propped in the window until the train began to move, accelerating slowly, huge and dingy as the metal gangways clashed, drawing him from our sight hermetically sealed and leaving upon us a sense of finality more irrevocable than if we had watched the penitentiary gates themselves close behind him..., the face looking back at us, craving to see us, wan and small behind the dingy glass.... (46)

The metaphorical train as "a current of retribution" and the literal train "drawing him from our sight" thereby converge, figuring law in and as fatalistic locomotion. Ironically, contrary to the description of Monk as "hermetically sealed and leaving upon us a sense of finality irrevocable," Monk, or rather his legal legacy, keeps coming back, insistently running its own circuit, as the story's relayed narration implies.

Also striking here is Chick's repeated use of the first person plural to describe Jefferson. Communal voice occurs often in Faulkner, in, for example, "A Rose for Emily," "Smoke," "That Evening Sun," and "Hair." Yet Chick himself, a child at the time of this scene, would likely not have been at the station for a convict's official send-off, let alone recall the event with the clarity and detail provided here. Monk had been in prison five years before being set up by another inmate--by the power of story, in fact, one featuring dubious agrarian visions of plenty[4]--to kill the warden. "About three years" (51) have separated that incident from Gavin's attendance at the parole hearing where he accidentally learns of the real conditions around Warden Gambrell's murder. Thus Chick, whose constant, slightly insecure narrative references to "my uncle" imply a youthfulness even at this indeterminate later time of narration, would likely have been far too young to have registered the descriptive impressions of the initial send-off that he now narrates.

This apparent chronological discrepancy bears meaningfully on the scope and implications of law and authority in the story. The notion of an "us" at the station, those consigning Monk legal banishment ("the face...craving to see us"), has now socially and psychologically expanded to include Chick, who was not previously aware of Monk, nor the legal and literal trains Monk had been placed upon. Chick, newly aware of the intertwined legal, social, and political systems, especially the strained and contingent conditions under which legal choices and decisions are made, has apparently accepted the inclusion, responsibility and guilt of an "us." "Us" thus comes to signify communal responsibility itself. In Chick's "us," then, another example of Faulkner's recurring and ambiguous communal perspective, the "train" of legal events and institutional implications following from "one of the shortest trials ever held in our county" (46) stops in one of its irrepressible return trips at the place of Chick's narration and conscience.

---

[4] In "'Monk': The Detective Story and the Human Heart" (1980), the only other extended commentary on "Monk" besides Jay Watson's, Edmond L. Volpe reads the agrarian vision as the story's genuine articulation of hope, without considering that Terrell's account of the utopian agrarian vision is just another story, another act of what Watson sees as narrative fiat (152), imposed on Monk. As "Monk" is a story interrogating the power of story, whether as rhetorical plays, narrations within narrations, or courtroom testimony, Terrell's "story" of men in harmony working a plentiful land is particularly inviting for Monk who has only ever wanted to belong to a community. Terrell's story also exposes the social and political uses to which "story" may be put in Jefferson, including the one we are reading.

To the extent that a communally floating legal and social guilt motivates the telling of "Monk," then, Jay Watson's view that Jefferson law is "less a reified code of conduct than the living action of a community and its members, a cultural conversation that takes place not in the courts alone but along folkways and speechways" (148), is not necessarily untenable in other textual blocks of Yoknapatawpha but cannot take "Monk" as one of its more assuring examples, as he proposes. For "Monk" marks the failure of both the courts and that broader "cultural conversation" that comprise what may be conceived of as law in Faulkner's Jefferson. Faulkner treats more explicitly the collapse of formal law here than in his other texts (with the exception of Sanctuary). After Monk "admits" to the murder with which he is accused, and, on little prompting, even names "as his victim...several men who were alive, and even one who was present in the J.P.'s office" (40) at the time of his legal "confession," a trial is nonetheless permitted to go ahead with him standing as competent defendant:

> [b]ut at the time of his trial we had a young District Attorney who had his eye on Congress..., and so the Court appointed a lawyer for him, a young man just admitted to the bar, who...maybe forgot that he could have entered a plea of mental incompetence...." (39)

The Southern oral economy, as Watson envisions, then, either in or out of the courtroom, is of no service to Monk or to the integrity of the law in which he becomes entangled at the time.

Despite the corruption of legal narrative and the failure of communal narrative to engage with some measure of outrage, "Monk" nonetheless explicitly links the need for story-telling and the social need for legal advocacy, a specialized story-telling. As Watson notes, "[s]torytelling...is just about the only such mode of [communal] connection with which Monk has ever had any experience" (152), referring to Monk's love of "reading" aloud in the one year he went to a county school, though he "did not know what they were reading" and could only feel his throat "buzz" (45-6). Deprived of this contact with a group of people who participate in the sharing of stories, Monk lives in a constant state of starvation for opportunities to talk, to tell, though for most of his life the gift and order of language have been beyond him, somewhere "out there." Ironically, law, the most distant and distancing discourse, brings its special language to him and allows him to speak only his guilt. Thus Monk even greets his wrongful arrest as the good fortune of a verbal opportunity, not realizing the stakes of legal language: "[h]e just kept on trying to say whatever it was that had been inside him for twenty-five years and that he had only now found the chance (or perhaps the words) to free himself of..." (44).

Since Monk's desperate wish to speak to a community and thereby enter in through language finds expression only in a moment of criminal allegation and conviction, the story seems a parody of notions of law as the basis for interactive rather than insular community. For Monk, law will nominally join him to community for the brief time of a pre-trial and trial phase only to isolate him from community indefinitely in the penitentiary. Through the language of law, communicatively needy Monk enters into greater isolation, as the law engages here only to separate. But at the same time, as a novice storyteller Chick has begun, through the use of language, to enter into the community (an entry that will occur more fully through his future role as a lawyer). Here language and law are the same "nebulous" (39) elements that work to banish Monk even as they secure and will secure Chick. Chick begins to enter community, in fact, through Monk's own story of banishment.

What, then, does this story say about law, language, and community? In part, "Monk" conveys the sense that law is a world of secrets under layers of authority. The link between legal advocacy and narration becomes a reflection of what is revealed, what is concealed in different contexts. Significantly, law as a formal world of secrets is contrasted to the private confessional urges of Monk, Gavin and Chick himself: "[Gavin] never told anyone but me, and I will tell you why" (50). The three principal characters of the story are thereby linked by their shared compulsions to free themselves from some burden though the cathartic exposure of private telling. All the various legal concealments in the story--the blatant unconstitutionality of the trial itself; the later pardon which Monk does not want but Stevens keeps in his safe (47); Bill Terrell's use of Monk to murder Warden Gambrell; and finally, Gavin's transmission to Chick of all the particulars of these events--have their counterpoint in urgent private utterances outside institutional space. Gavin and Chick "tell" not only for a listener's informational benefit but out of their own need to confess to that in which they feel complicit. "Monk," then, foregrounds the hope for deliverance through language itself, in its linked forms of advocacy and storytelling, but with a spin that Watson does not see:

private and confessional, not public and legal, language delivers Jefferson's legally influential citizens from their own involvement with the law, as it operates in this instance, though the law itself does not deliver the community from injustices.

Just as legal language does not represent Monk, however, confessional language cannot quite deliver Stevens.[5] Gavin, the public legal representative who, according to Watson, has "an ethic of service" (149) and is the "credible arbiter and agent of justice" (231), is clearly positioned by Faulkner to defy that public legal order in all its errors, misjudgments and political detours. In fact, Chick offers this story partly as a record of that attempt at defiance, a testimony, as it were, to clear Stevens. As far as crucial and timely action or intervention in an institutional setting goes, however, Stevens has already compromised any claim to a fully exonerating defiance. For instance, neither Jefferson as Faulkner renders it nor its chief attorney's office ever seems so large that Stevens, as citizen, local story-teller, and state employee, could have failed to hear of Monk's murder trial at its occurrence. In particular, the County Attorney would have been aware, through the oral economy, of the defendant's severe mental handicap, his sudden willingness to admit to anything, as long as he can use language to do it. As Watson observes, "the ascription of malice aforethought to a moron seems particularly egregious" (154), a necessary legal fiction, however, to expel, but only once it is cast, the supposed criminal personality from community.[6]

---

[5] Monk's name may be a pun itself on the narrative's confessional impulse, as well as on the institutional silence which has concealed Monk story.

However, in claiming Stevens' later attempts at intervention as evidence of an ethical fitness clearly superior to that of the system of which he is inextricably a part, Watson, like Chick, overlooks the County Attorney's inexplicable absence from the initial legal events. It is here that Monk is jointly railroaded by a politically, not legally, conscientious, young D.A. (necessarily under the auspices of the County Attorney's Office), a hopelessly lost novice defense counsel, and the trial judge himself. Indeed, Chick's suggestion that this nameless defense lawyer may have pleaded guilty on Monk's behalf at the Court's "direction" (39) compromises the whole legal system in Jefferson. This "trial" has never been that at all, then, but the juridical orchestration of official wishes, a fantasy of crime, punishment, and public order. Chick's assertion that "nobody except my Uncle Gavin seemed to be concerned about Monk" (46), now seems only expedient, or at best, a hope.

---

[6] Monk is also institutionally misrepresented by the Memphis newspaper accounts of the murder; his name has been changed to Oglethorpe from Odlethorp (47).

The reason for Gavin's absence remains unexplained. The reason he backs away from challenging the Governor, for handing out pardons in legally reckless but politically astute fashion, is, however, suggested. Unlike the Governor's political opponents (who see only a type of penitentiary patronage to inmates in order to secure the votes of their kin), Gavin reads in the Governor's curious legal policy an additional, less obvious political layer: "laying a [political] trap for the purists and moralists to try to impeach him for corruption and then fail for lack of evidence" (51). Gavin has also indicated, at least to Chick, that this politician is "a shrewd man who (some of us feared, Uncle Gavin and others about the state) would go far if he lived" (51). Gavin's standing down on his challenge to expose the Governor's knowing release of a previously undetected double murderer in Terrell[7] may itself be politically motivated, self-protectively so. If the Governor will indeed "go far" and Gavin fears his political ruthlessness even now, the County Attorney may be protecting his own future interests in the region. Although he "would be believed" (54), indicating his own strong communal credibility against the Governor's political machine, the County Attorney chooses not to act, instead becoming part of the cover-up and administrative fiction of justice that begins when Monk was directed, by someone, to plead guilty to murder. Chick's "good man" thus also enters the self-interested political arena characterizing the world of "Monk."

---

[7] "'Suppose I [Gavin] should repeat what you have just said. I have no proof of that, either, but I would be believed'" (54).

The irony Faulkner explores in "Monk" is that the very process of becoming civilized, becoming "legal," ultimately kills Monk. The story's narration, as I have discussed, is motivated by a guilt Chick intuitively feels, though he has had no dealings with the trial, or for that matter with the parole hearing that, in its revelations, only underscores law's strange performance (apparently for itself) in the trial. Chick's sense of an intense personal guilt, though abstracted from a story, is not false or neurotic. Insofar as the willing experience of social guilt may be seen as a civilizing emotion in its acceptance of interconnectedness, Chick's pained narration, attempting to exonerate three individuals and possibly law itself, is Monk's real legacy. Ultimately, this narration testifies to the use of a reflective language that examines law and the worlds that law creates in ways Monk himself, the narrative's catalyst, could not have managed.

III.

"Monk" and "Dry September" provoke questions about the distorting nature and power of Jefferson's official and unofficial communal narratives of justice. Moreover, these stories explore the responses, or, rather lack of responses, to observed failures of justice. Ongoing silence is significant to both stories and enable the activities and wrongs that occur. The stories overlap in that each features a character (Stevens, Hawkshaw) whose potential intervention could change or at least challenge the terms that so opportunistically frame the decisions being made and the steps taken to punish characters falsely constructed as dangerous and guilty. The stories, however, bleakly gauge the evaporation of this potential for resistance, although "Monk" recuperates hope in Chick's engagement with the power of narrative itself. Significantly, the stories also explore the ways in which the activities and sites of punishment mask power struggles transpiring on other levels. In each story, injustice attaches to opportunities to secure power and promote certain cultural narratives: that white men, especially in the South, possess determining rights over both black male and white female bodies and that procedural justice can be enacted efficiently and confidently to the credit of entrusted legal and political figures.

My discussion of the stories serves to underscore some of the doubt Faulkner constantly registers in his narratives about Jefferson community and its various expressions of law, order, and enforcement. Moreover, the stories significantly register their sense of doubt at the level of the consciousness of certain characters, a recognition seldom available elsewhere in Faulkner's presentations of the workings of official and unofficial codes. To consider further Faulkner's presentation of the hidden contexts conditioning enactments of supposed justice in his invented community, in the next chapter I will consider "Smoke" and "Tomorrow" and their related examinations of the emotional worlds that inform legal events and contexts.

CHAPTER FOUR

TRYING EMOTIONS:

UNPREDICTABLE JUSTICE AND ITS EXPOSURES

While "Dry September" and "Monk" treat public forms of unofficially and officially sanctioned injustice, "Smoke" (1932) and "Tomorrow" (1940) explore the private compartments of emotion underlying and shaping legal encounters. These stories explore the ways by which emotion is used in or successfully resists the public march of law into individual lives. Although the emotional life of represented legal figures is also a chief concern in "Monk," this aspect does not touch the legal events themselves. In "Smoke" and "Tomorrow," however, official legal acts are defined, either expanded or restricted, specifically according to the play and interplay of private emotion. Law works, theoretically at least, by attempting to keep emotion out of its stable and stabilizing system. These stories, however, indicate the extent to which Faulkner sees law as both created and undermined by a world of emotion, law's unruly opposite. The official life of the law registers and is partially directed by the concealed world of emotion of its legal actors, a dimension which it cannot formally predict or admit.

Faulkner's "Tomorrow" and "Smoke" address several related legal issues. Both stories present Gavin Stevens: as young defense counsel in "Tomorrow" and as experienced

County Attorney in "Smoke." Both stories are legal dramas in which notions of justice, law, legal strategy, ethics, community, personal pain, truth, and the power of language and silence are examined. Sharing several aspects and structures, the stories are also opposites of sorts: one tells of a possibly unethical legal victory, the other of a possibly unethical but temporary legal defeat. Intense, privately held emotions are central to each story but lead to different legal outcomes. The relentless but formally unacknowledged presence of individual emotion unexpectedly disrupts the legal space and its presumptions, protocol, and proceedings in "Tomorrow" but is calculatingly used to create the possibility for continued legal proceedings and the corroboration of phantom evidence in "Smoke." Hidden emotion thus defies and temporarily explodes in "Tomorrow" the same uses and procedures of law that are established in "Smoke." The collision, on the one hand, and alliance, on the other, of legal procedure and emotional energy provoke questions about Faulkner's concern not only with law and its supposed objectivity and dubious improvisations but with the status of truth and justice in the midst of community and in community's most contentious arena, the court. While Faulkner demonstrates in these two stories that each has claims and limiting effects on the other, he also suggests their endless, never fully discerned or discernible interaction.

I.

"Smoke," as its title indicates, revolves around a legal bluff constructed by Gavin Stevens, the Yoknapatawpha County Attorney, at the inquest into Judge Dukinfield's murder. The bluff is fascinating and possibly unethical because it is not merely a part of his argument and case but the entirety. Stevens claims that smoke in a brass box constitutes enough evidence to reveal the Judge's murderer and, through that exposure, reveal anyone else connected to the crime. In fact, the bluff can work only by being exposed as such but, in such exposure, in turn revealing the murderer, Granby Dodge, present before the Grand Jury but not accused of any crime. Stevens' manufacture of evidence which will be eventually discredited in order to support a rambling but possible story certainly disturbs the narrator, a member of the Grand Jury, despite the killer's exposure as strategic result:

> Because [Stevens] had a plan, and we realized afterward that, since he could not convict the man, the man himself would have to. And it was unfair, the way he did it; later we told him so ('Ah,' he said. 'But isn't justice always unfair? Isn't it always composed of injustice and luck and platitude in unequal parts?') (24)

An issue that immediately arises is the presentation of legal technique as dubiously self-legitimating, self-authorizing. As a provisional fiction attempting to establish first itself as authority and then what it hopes to explore as factual, objective, the logical product of considered procedures, legal technique in "Smoke" exposes itself by exposing the difference between law and ethics, practice and aim. However, "Smoke" also explores the consideration of, or concession to, the use of any means necessary to achieve a just end. As Jay Watson observes in "'Hair,' 'Smoke,' and the Development of the Faulkner Lawyer Character" (1990), "the rhetorical value of Gavin's performance outweighs its truth value" and only by "dissimulation and indirection [does] Gavin remain in control of his audience" (357, 359). In "William Faulkner: Author-At-Law" (1984), Joseph Blotner points out that Gavin's technique is clear entrapment, but Blotner offers nothing further on its legal and social implications (277). The story is wonderfully poised by Faulkner, then, between justice almost thwarted by Granby's nearly undetected orchestration of Judge Dukinfield's homicide and justice suspiciously achieved, between the cost of unanswered illegal activity in the world at large and that of shifting principles in the legal space.

The story's tone registers both amusement and contempt for law's methods, structures, judgments, and images. The murder of Judge Dukinfield, the highest ranking legal official in the town, in his courthouse office is linked by Gavin to what seems only the accidental death of Old Anse Holland, whose will Dukinfield is to rule on. Despite his legal authority, however, Judge Dukinfield possesses "that sort of probity and honor which has never had time to become confused and self-doubting with too much learning in the law" (11). The narrator describes him further, and with great admiration, as having "little knowledge of the law and a great deal of hard common sense; and for thirteen years now no man had opposed him for reelection" (11). As the highest court official in a story ferociously concerned with law, the Judge unobtrusively spends most of his time sleeping in his office. He has supposedly "lived long enough to learn that the onus of any business is usually in the hasty minds of those theoreticians who have no business of their own" (12). Law mediated through judicial personality in this instance is patient, avuncular, and asleep, secure and supposedly securing in the confidence of its own unquestioned position.

The Judge is a wilful parody of his own judicial office, cutting through its potential pomp, solemnity for its own sake, and scripted role-playing with his particular human reality. He and his office are also unwittingly parodied by the janitor, Uncle Job, who "assumed public office concurrently with the Judge" (13) because he had been a family servant. The narrator states that "[n]ow and then we would stop and talk to [Uncle Job], to hear his voice roll in rich mis-pronunciation of the orotund and meaningless legal phraseology which he had picked up unawares, as he might have disease germs..." (14). The discourse of the law as Faulkner presents it here seems altogether comic, easily mimed, but underneath also contagious, possibly incapacitating, and thoroughly capable of speaking itself independently of conscious, examining spokespeople. Both absurd and unsettling, Uncle Job unwittingly implies that law is as its language only, automatic, free-form and misfiring.

As images of each other, with "two frock coats made by the same tailor and to the Judge's measure" (12), and as twin personifications of the community's perception of its judiciary, Dukinfield and Uncle Job paradoxically assert both the power of the law to recreate in its own image all that it comes in routine contact with and the weakness of those images beyond surface and belief in their own ceremony. The janitor, the narrator reports, "reproduced" legal phraseology "with an *ex-cathedra* profundity that caused more than one of us to listen to the Judge himself with affectionate amusement" (14). Law, then, can appear and indeed be "reproduced" by hitting certain marks and cues of language and gesture. Uncle Job as a figure of legality underscores the potential for law to be, maybe mostly, masquerade, one perhaps curiously unaware of its own posing. And Faulkner's inclusion of the judicial janitor in his story further subtly suggests both amusement and doubt regarding that other spectacle and grand illusion of "Smoke," the case for the State: the techniques by which the State seems to make a case in Gavin's address and through which it ultimately makes the case for itself and all its own self-inventing techniques.

"Smoke" demonstrates not only how an ethical compromise can achieve legal end but how the apparatus and staging of that compromise can be the bureaucratic violence of law itself. For example, the unnamed narrator who uses the communal "we" throughout the story, thereby implying the possibility of a recognizable community standard, feels himself miserably implicated through legal technique in some sort of wrongdoing and cruelty, some administrative dirty trick:

> When I look back on it now, I can see that the rest of it should not have taken as long as it did. It seems to me now that we must have known all the time; I still seem to feel that kind of disgust without mercy which after all does the office of pity, as when you watch a soft worm impaled on a pin, when you feel that retching revulsion--would even use your naked palm in place of nothing at all, thinking, 'Go on. Mash it. Smear it. Get it over with.' But that was not Stevens' plan. (24)

The "we" evokes notions of community and inclusion, an emotional image of shared concerns and identity. But this hope is undermined, or at least threatened, by the narrator's anxiety about the effects of Gavin's legal technique, a technique employed, one presumes, on behalf of the community, the ultimate judge of fairness and worth of its own laws and legal system. In "Truth and Justice in Knight's Gambit," W.E. Schlepper thereby overlooks much textual richness and complication when taking comfortably for granted two important considerations that are the source of much of the story's tension. Schlepper first observes that there is a case of "perfect justice" in "Smoke" and later that the story presents "a close-knit community whose members agree on all important issues" (396, 397). The narrator's remark to Gavin that his strategy is unfair, however, raises the question of different standards of justice within a single community, especially concerning legal methodology and the conditions that govern determinations of truth. The difference of standards and opinions about something as central as the establishment of evidence within the inquest also successfully undercuts notions that law operates and applies uniformly, and thus convincingly, and that all interests and concerns of members of a community will be represented and aired by a mechanism as pervasive as law, which supposedly functions on behalf of ideas about community.

Against Schlepper's reading, I would suggest that the law in "Smoke," is capable of indifference to the community it still manages to serve. Gavin's glib answer to the narrator and jury member's reservation following the inquest, after all, avoids any real defense of his own lawyerly belief-system. Moreover, the community's restoration, like its sense of self, is effected only through Gavin's strategic untruth, which is based on rhetoric alone (the use of which Watson too readily praises

[366]). Contrary to an unclouded resolution, the use of strategy and deception as the chief tools to establish justice contributes to an unsettling sense at the end of "Smoke" that much of what this community wants to accept about itself is grounded in faulty belief, unproven proposition, and complaisant self-deception.

The widely-held but erroneous proposition, for example, that no one can pass the snoozing Uncle Job without his knowledge has become part of Jefferson's mythology. The sheer illogic of the assumption, is both amusing and central to a story exploring assumptions of the content and use of law. If someone passed Uncle Job without his awareness, how would he or anyone else know? The town knows that the Memphis hitman passed him on this particular occasion only because of the bullet hole in Judge Dukinfield's head. Jefferson is thereby only as reliable as the depth and testability of its beliefs and ways of knowing.

In "The Violence of the Masquerade: Law Dressed Up as Justice," Drucilla Cornell argues that law is a "machine," one of whose primary functions is "to erase the mystical foundations of its own authority" (1050). Drawing on other Critical Legal Studies commentary, Cornell examines myths of legality, legal culture, and "the violence inherent in being before the law" by addressing the dangers of the law's potency to "keep coming in spite of its critics and its philosophical bankruptcy.... Once it is wound up there is no stopping the law, and what winds it up [are] its own functions..." (1049). Faulkner's "Smoke" provides an example of the law's self-winding tendency, though in a cosy, folksy setting and with a neatly tied outcome. The fact that the legal space in "Smoke" creates itself as it goes along because it has no other way to proceed, however, puts a disturbing legal edge on a small-town story. Here the State seems dangerously unaccountable in its artful presentation of what is absent, feigning the substance and content on (but also against) which it moves to enact itself. Also problematically, Gavin's procedural and legal deferrals until evidence produces itself, and to which procedure and law can then properly apply themselves, can justify themselves in retrospect only. And indeed, "Smoke" does not attempt to resolve the tensions and contradictions it offers between the cost of justice achieved as a legal long-shot and all the conjurings and long-shots that are posited as justice.

"Smoke," in fact, is fascinating for its dubious presentations, and not just those of the plausibility of reconstructions. Uncle Job's supposed infallibility and the supposed evidence in the brass box are but two false arguments whose disproving also implies the rattling of other, more important community suppositions. As in "A Rose for Emily," the safe and happy use of the Jefferson communal "we" is certainly jeopardized, at least for the present narrator, by all the issues and increasing pressures arising from the perils and possibilities of shaky representation in the story. The purely speculative and ongoing reconstruction of private, unwitnessed Holland family conversations (6), for example, only adds, on subsequent readings, to that deep Faulknerian sense of anxiety about any and all representations, of insistent unsituatedness, and not to the trusty feel for what is going on up the road at which the narrator presumably aims. Such unreliable reconstructions signify the steady breakdown in the story of all manner of representation, culminating in that of law.

Certainly Gavin's play on Granby's rampant but concealed emotions at the inquest is crucial to an understanding of the story and to Faulkner's exploration of law, since law always hopes for the exposure of those individuals before it. In fact, "Smoke" is very much a story about the interplay of emotions under legal scrutiny, emotions over issues as wide-ranging as property, family, personal error, accusation, and murder. Both violent and muffled emotions characterize the turbulent relationship between Anselm Holland, whose last will and testimony gives rise to the story's subsequent layers, and his two sons, one mirroring the father's violent emotionalism, the other declining ever to reveal an inner self. Significantly, it is the emotional life of this family that spills out to become, in the moment at least, the life of the law.

The personal qualities of confidence and faith, especially the individual's hope for emotion's containment, accordingly characterize all the story's legal action and aspects. The "overlong time" Judge Dukinfield takes to validate a simple will is "fresh proof that [he] was the one man among us who believed that justice is fifty per cent legal knowledge and fifty per cent unhaste and confidence in himself..." (11). The land in question in Holland's will comes to him through his wife, Cornelia Mardis, whose life "we believe...had been worn out by the crass violence of an underbred outlander" (3). Granby Dodge, the unaccused murderer and cousin-in-law to the sons, is a "man of infrequent speech who in his dealings with men betrayed such an excruciating shyness and lack of confidence that we pitied him" (19). And of Granby's next probable victim, Virginius, the son enriched by the will and emotionally unlike his father and brother, unlike anyone in the story except, notably, the lawyer Gavin, the narrator says, "You didn't know what he was thinking at the time, any time...no man in the country ever saw Virginius lose his temper or even get ruffled..." (6). Played with throughout the story, the qualities of personal containment thereby mark Dukinfield, Gavin, and Virginius, characters who eventually have all the legal power or legal success; ironically, the failure of containment, in both his act of murder and his subsequent demeanour, delivers Granby into the fullest containment of the legal subject--criminal conviction.

Despite the multiple fusions of property, criminal, inheritance, and even tax law and emotion in "Smoke," the foregrounding of emotion is most relevant to the legal ploy itself. After all, Granby betrays his guilt when he fails to privilege his logic over his emotions in a legal setting. Had he thought more carefully, more abstractly, or at least continued to show no emotion, indulged longer "that excruciating desire for effacement with which we were all familiar" (28), he might have outlasted the bluff. After all, the greatest test of evidence is to verify whether in fact there is any. To conduct, before a trial, such a test of the possibility of smoke in a sealed brass box is immediately to destroy the evidence, or its possibility, by looking; to proceed to trial with untested evidence is to risk having none. In his last-minute panic, Granby does not consider the logic of such a proposition, the questionable substance of the unspoken claim against him. Instead, he gives evidence against himself at the trial of emotions, not a genuine inquest, that Gavin has been conducting all along, moved so irreparably by the urgency of what Watson calls the "keen sense of fundamental theatricality of forensic procedure" ("Faulknerian Lawyer" 356).

The chief purpose in analyzing "Smoke" is not to conduct a reader's legal aid defense for Granby, responsible for two murders and plotting the third. His unmitigated guilt and the necessary punishment are not at issue in the story, but merely facts of the plot. More importantly, the story depends on concepts of how justice can or cannot achieve itself, of how justly justice is pursued. Two related concerns are also explored: how the legal system appears capable of collapsing in on itself to achieve its ends, and, conversely, to produce itself in order to produce its by-products of verdict and seeming catharsis. In his article on Faulkner and law, Blotner cites Justice Oliver Wendell Holmes' observation that "'lawyers spend a great deal of their time shovelling smoke'" (277). In Faulkner's story, this activity casts clouds over the whole Jefferson legal enterprise.

II.

In "Tomorrow," law and its workings are disrupted by an unexpected emotional presence in a manner opposite to how emotion is relied upon for law's operation in "Smoke." In "Tomorrow" the hung jury that leads to a mistrial in Gavin's first court case is caused by Stonewall Jackson Fentry's refusal to acquit the defendant Bookwright of the murder of Buck Thorpe. Fentry's shrouded biography and emotional life are the subject of most of "Tomorrow," as twenty-eight-year-old Gavin attempts to find out why his first trial, which "everyone believed" would be a "mere formality" (85), results in a temporary defeat. Fentry refuses to vote for the acquittal of Buck Thorpe's killer, although the killing appears to be an act of self-defense, because Buck Thorpe had temporarily been, years ago, his surrogate infant son. The story features a series of narrations-within-narrations that move farther from the courtroom, farther into Fentry's personal life. Faulkner's involved combination of courtroom drama and obscure biography, each its own complicated story of identity and emotions, deliberately blurs distinctions between law and feeling, procedure and personality, for all of the story's characters, who are figured in a structure of dual identities. The merging of these dual identities marks the story's development and exposes the contradictions within supposedly legally unified identities: Fentry as jury member and private, personally wronged individual; Gavin as professional defense counsel and personally bewildered student of human nature and character; and, finally, the Yoknapatawpha community itself as a group of sworn court officials, jury members, witnesses and also private residents, neighbours, family, employers and employees. My point here is to foreground the dualisms produced by an inherent opposition between one's legal and emotional identities. For in attempting to re-balance the explosion of the personal in Bookwright's actions, law in this story collides with that hidden personal aspect of Fentry's own life that will not allow the authority and intrusion of the law.

Throughout "Tomorrow" Faulkner probes the volatile mixture of the legal and the emotional. Ironically, Gavin's claim that Bookwright shot Buck Thorpe in both self-defense (86) and an attempt to stop his adulterous elopement with his daughter, raises to the jury, to his client's presumed advantage, the issue of emotional inscrutability and the often unfathomable nature of private motives. Unknowingly, however, Gavin also anticipates and even explains the problem that will confound, rather than serve him as trial lawyer in the jury's twelfth member, Fentry. For Gavin's defense of Bookwright and arguments for acquittal at this point unintentionally defend Fentry's choice to vote against acquittal on solely emotional, not legal, grounds. In typical Faulknerian cross-purpose and crossfire, Gavin's legal argument _for_ his client speaks on behalf of Fentry's peculiarly personal argument _against_;

> 'And that's what I am talking—...about us who are not dead and what we don't know—...human beings with all the complexity of human passions and feelings and beliefs, in the accepting or rejecting of which we had no choice, trying to do the best we can with them or despite them--this defendant, another human being with that same complexity of passions and instincts and beliefs, faced by a problem--...(87)

The intermingling of law and emotion in "Tomorrow" is not confined to the structure of the courtroom, Gavin's defense argument, or the trial's unexpectedly hung jury, however. Gavin's curiosity regarding Fentry's personal life compels him to drive to the barren outskirts of the county to meet him and question personally this juror of the lost court case. Failing that, after being driven off Fentry's dirt farm by shotgun, he proceeds to question neighbours and former employers. His methods, though for private consideration, draw on his legal training: gathering evidence through investigation, witness, and testimony. The significance of the presentation of a legal framework in the story after all that is formally legal has concluded, indicates Faulkner's ongoing concern with the unofficial trials that are always proceeding in small communities, investigations about the nature of the community itself. The difference now, however, is that, for a change, Gavin listens rather than speaks, and witnesses anecdotal evidence and personal testimony in the community rather than presents observations to silent others in the juridical space.

Where his silence serves him as both lawyer and developing individual, Gavin fulfils what Richard Weisberg in "The Quest for Silence: Faulkner's Lawyer in a Comparative Setting" (1984) sees as a departure from a long line of nineteenth- and twentieth-century fictional lawyers. According to Weisberg, Gavin

> becomes the first major literary lawyer to develop positively as a human being in the direction of, and not in rebellion against, his professional strengths. Gavin gradually learns the primacy of silence over language in all vital human affairs. (197)

Whether one agrees with Weisberg that silence is the ultimate human response is perhaps not as important here as this particular fictional attorney's silence. It represents the beginning of an enlightenment, one that allows him to understand a little better that initially baffling character, the tenaciously silent Fentry. And often in Faulkner, as in law, silence is a powerful value, a response sometimes as good and as capable as any other possible. Silence in the face of law, whose movements and enactments are characterized by flurries of engaged, rigorous written and spoken activity, may be seen as a counter-value, a personal statement of sorts meeting all the other attempted institutional inscriptions challenging it.[1] Against the forces of law and language, Fentry's silence in the story challenges what he sees as entirely arbitrary values.

Perhaps the most important reason underlying the confounding of law in the story is the substance of the trial itself: the complicated relations of parents and children. There are three parent-child relationships in "Tomorrow," each involving the three principal courtroom characters: Gavin, the defense counsel, as Judge Stevens' son; Bookwright, the defendant, as outraged father; and Fentry, the jury's wild card. The narrator, Gavin's nephew, Chick, informs us that Gavin, the novice lawyer and Heidelberg Ph.D., has gone to the state-university law school only "at grandfather's instigation" (85). This particular case is his because he has "persuaded grandfather to let him handle it alone" (85). As the legal son, Gavin's courtroom loss now means handling personally his father, as judge himself: "...and grandfather said, 'Well, Gavin, at least you stopped talking in time to hang just your jury and not your client'" (88). The paternal judgment upon his legal ability continues when Judge Stevens chides, "'Ask Judge Frazier to allow you to retract your oration, then let Charley [Chick] sum up for you'" (88). Similar to the concerns of Horace Benbow and Temple Drake that form the complicated network of legal fathers and their offspring which operates in Faulkner's trial novel Sanctuary, Gavin's concerns about what happens in a court of law cannot ever be professional only. Gavin may always feel a son to legal father(s) and a lawyer himself only secondly.

---

[1] As Christopher Norris observes, "[n]owhere else do words take effect with such drastic and...such arbitrary force" (92) as in the judgements of law.

Bookwright and Fentry contribute most to the blurring of legal and parental authority in "Tomorrow" by feeling characterized entirely as fathers prepared to face the workings of law armed only with that identity. Ironically, in the unspoken legal showdown between these individuals underneath the bureaucracy of the trial, as defendant and unacquitting juror, their adversity hinges on their similar identities as fathers of jeopardized children. Buck Thorpe, the abusive, reckless man who tries to elope with Bookwright's daughter and supposedly shoots her father, is, after all, Fentry's former surrogate son.[2] In Bookwright's and Buck Thorpe's fatal struggle over the unnamed woman who is daughter of one man, prospective runaway lover of the other, social as well as emotional claims on woman form the unacknowledged legal centre. Opportunistically characterized in the trial as a "victim needing the protection of all good fathers in much the same way that Eustace Graham constructs Temple Drake as victim in Sanctuary's courtroom" (Duvall, 79), the daughter-lover now becomes the female object. The trial can be read as a fight between men over women as property. The fact that the assistant to the D.A., the lawyer charged with the responsibility of prosecuting Bookwright, chooses not to make a case, but "merely [rises] and bow[s] to the court and [sits] down again" (88), indicates that the role of daughter is a woman's only legally recognizable identity. According to this account, the paternal defense of a daughter excuses any actions of the father.

These presumed protective and property rights of the father bury the most significant legal aspect of this murder trial. For the implications of Thorpe's half-drawn pistol, witnessed only when the corpse is first viewed, are completely and unresolvably ambiguous, typically for central and crucial (legal) details in Faulkner. The defense and District Attorney could convincingly argue that Thorpe rather than Bookwright was drawing a weapon in self-defense. Bookwright, after all, searches for Thorpe both armed and angry. Since the daughter is likely the only witness to the event, the narrator's claim of who exactly was acting in self-defense represents a communal presumption, immediately isolating the outsider Buck Thorpe as assailant.

---

[2] Fathers and law are always a complicated issue in Faulkner, as John Duvall argues. For example, Duvall points out in "Silencing Women in 'The Fire and the Hearth' and 'Tomorrow'" (1989) that Faulkner's texts often make "the law a silent partner in the father's desire to control his daughter's desire" (76).

Thus Bookwright's daughter has an important legal identity, as witness, but one that is entirely neglected: as Duvall points out, she "is not called to testify; neither named nor allowed to name, the female is completely silenced by the law" (79).

There are, of course, different registers of masculine dispositions in the story, all of which eventually become entangled with law. The same configuration of loyalty, love, and perceived duty that ties Bookwright and Fentry together, and also pits them against each other in the courtroom as fathers, is contrasted by the exploitative masculine ethics of the already married Buck Thorpe and his absentee biological father, the man who abandoned the unnamed pregnant woman Fentry marries even though he knows she will die giving birth (100). A cyclical pattern ungovernable by but engaging law thereby emerges: Buck Thorpe grows to manhood to attempt to repeat the emotional, social harms that were perpetrated against his mother by his father. His attempted repetition of wrongs that he himself should have personal grievance against, however, represents too subtle and unquantifiable a transgression for a courtroom, though "the story was old and unoriginal enough" (86). The emotional complexities of these recurrences, cross-loyalties, and grievances are summarized by Gavin at the story's end:

> 'It wasn't Buck Thorpe, the adult, the man. [Fentry] would have shot that man as quick as Bookwright did if he had been in Bookwright's place. It was...not the spirit maybe, but at least the memory, of that little boy...even though the man the boy had become didn't know it, and only Fentry did.' (105)

Once outside the courtroom and into the informal hearings and trials communities always enact for themselves, other emotional subtleties characterizing attitudes and approaches to law emerge. Neighbour and former employer of Fentry, Isham Quick observes that "'[o]f course he wasn't going to vote Bookwright free'" (104), a recognition that extends from Quick's earlier revelation that "'[w]hat I seemed to have underestimated was [Fentry's] capacity for love'" (98). This imperceptibly besieged individual's sense of love, then, stalls what was supposed to be the clear-cut, violently presumptuous progression of Jefferson law: "when the clerk read the indictment, the betting was twenty to one that the jury would not be out ten minutes" (86). Duvall sees Fentry through his love effectively playing a role that not only disappoints communal presumptions but subverts patriarchal claims on woman by loving both "a woman whose sexuality breaches cultural limits and a child he did not father" (78). Through his perhaps atypical--at least in the context of the story--masculine emotional capacity which defies male cultural prejudices, Fentry also confounds law, the enforcer of his culture. By loving the woman and her child, Fentry implicitly rejects ahead of time cultural assumptions to come in the trial and the ordering of relations it seeks to support.

In "Tomorrow," the inability to codify all the possibly present, abiding emotions rather than only those of Bookwright's and the supposedly homogeneous community's anger results in law's temporary disruption. That is, law is disrupted here by its own inability to recognize or register the range of possible identities even indirectly represented without sacrificing the hope for an orderable world. This call to representation marks most forcefully the challenge ongoing to law and other systems of judgement; at stake are not only competing values but competing ways of conferring values. Since in its verbal strategies the trial scene fails to account for the absence of strategy in unpresented motivations, especially those shaped by the presence of love, passion, and indignation in the quiet and inarticulate of this world, law here signifies a site of not subtle distinctions but blind exclusions. For example, Quick's previous presumption about Fentry--"'I reckon I figured that, coming from where he come from, he never had none a-tall'" (98)--refers to the dismissive notion that love becomes something for others "when the first one of [the dirt poor] had to take his final choice between the pursuit of love and the pursuit of keeping on breathing" (98). Like the resources of law, the possibilities of love here are presumed to be tied to sturdy personal economics and are therefore predictable, socially contained. This faulty premise forms the basis of Gavin's legal presumptions in his apparent failure at jury selection and the presumptions of the legal enterprise in the story in general, an enterprise that bases itself on the supposed ability to distinguish between true and false premises, relevant and irrelevant elements. But legal officials in "Tomorrow" underestimate love and its ties to law and to other possibilities opposed or indifferent to law's self-involved negotiations, an underestimation that fails to recognize that the court becomes an arena in which blood and emotional ties collide with the law's attempted scripting of more provisional identities. Schlepper's assertion in "Truth and Justice in Knight's Gambit" (1984) that Fentry is "torn between conflicting claims" (369) as juryman, community member, and former father thereby wrongly assumes that Fentry regards these identities as equivalent. Rather, as legal and emotional wildcard, Fentry the outsider's love, duty, and personal psychological resources are simply not subject to the claims of Jefferson community.

Faulkner's presentation of the intrusion and presumption of law is also addressed elsewhere in the story. Fentry's quarrel with law in Bookwright's trial may be seen as a form of revenge for his own previous victimization by the formal applications of the letter of the law, which intruded on his spare emotional life in the form of a letter. In Quick's secondary narration within Chick Mallison's, the neighbour relates what occurred twenty years ago, "'what I know now, what I found out after them two brothers showed up here three years later with their court paper'" (99). Quick's account of the sudden appearance of the male relatives of the dead woman "'with the deputy or bailiff or whatever he was, and the paper all wrote out and stamped and sealed all regular'" (100) describes Fentry's helplessness before the order of the court and its literalist interpretation of the idea of family. This legal interpretation will stand, however, despite Fentry's already considerable emotional investment in the life of the boy--and briefly but no less intensely in the life and death of the mother, Fentry's wife in a deathbed legal ceremony but never his lover. Quick lends his personal verdict as a refutation of this court when he tells the brothers that factors other than those strictly legal must be considered, though he too now seems to fall into legal language and legal proofs:

> 'You can't do this. She come here of her own accord, sick and with nothing, and he taken her in and fed her and nursed her and got help to born that child and a preacher to bury her; they was even married before she died. The preacher and midwife will prove it.... He raised that boy and clothed and fed him for two years and better.' (101)

Permissible forms of emotional violence are thus central to this story of law. The story's exploration of various types of legal violence--the violence of law itself and also other types of violence that are legal--is suggested by the Thorpe brothers' response to Quick's humane argument in defense of Fentry's surrogate fatherhood: "the oldest one drawed a money purse half outen his pocket.... 'We aim to do right about that, too-'" (101). The half-drawn Thorpe moneybag in this confrontation suggests the half-drawn Thorpe pistol (86) in the confrontation with Bookwright. Faulkner thereby marks the equation of the violence inherent in both encounters, one enlisting the law backed up by the Thorpes' commerce, the other supposedly outraging the law backed up by Jefferson's communal standard. And, in this way, Faulkner implies that the violence against which law claims to defend is present, invoked, and legitimized whenever law operates in the first place. In the events of the Thorpe court order and the Bookwright-Thorpe murder trial Fentry essentially loses a son twice.

If the legal claims on Fentry which batter him emotionally find their answer in his indifference to legal argument in Jefferson's court, then a revenge of sorts has been enacted on law. Ironically, one of law's most important social functions is to interrupt the revenge cycle. When Fentry attacks the Thorpes "with the ax already raised and the down-stroke already started," Quick grabs the handle to stop the assault, and exhorts, "'Stop it, Jackson!' I says. 'Stop it! They got the law!'" (102). Here law prevents the possibility of a blood feud or perpetuation of personal wrongs that may wind out endlessly in an expanding network of repetition, retaliation, and revenge; law mediates and contains, sometimes with its own threats, the impulse for personally mediated justice and allows society to continue rather than be hauled into the vortex of repayment and vindictiveness of particular grievances. Fentry, however, allows the law to rule once but not twice on his emotional claims. His presence, actions, choices, and silence in the text eventually challenge law as "that notion of a one-way flow of authority...as sovereign discourse" (Norris 168).

III.

Certainly "Smoke" and "Tomorrow" scrutinize the possibility of separating emotional elements from supposedly strictly defined legal elements. Emotions in these stories tear down law's wall of splendid separateness, both creating and destroying unpredictable legal spaces. In "Smoke," Stevens' use of an orchestrated emotional coercion allows law's continued movement forward, though at the cost of justice. The narrator's and Grand Jury member's voiced objection (though, significantly, in a private comment, outside the dubious legal space he too has been duped into constituting) directly challenges Stevens' conduct in serving the law's single-minded operation over and against an implied community standard. The narrator's reservation likely arrives, however, in his sudden concern with law's expanding power in the community rather than with the outcome of Granby Dodge's particular case, since the hidden killer stands successfully exposed. More particularly, the narrator's anxiety seems most shaped by a lawyer's appropriation of other citizens as materials with which to forge the semblance of a legal space, as living props in service of the production of a legal act.

In "Tomorrow," the inscrutable Fentry enacts his legal revenge, closing himself off to law's arguments as law previously sealed itself to his undefended emotional claim for partial recognition. Since Fentry stands as Faulkner's sole example of successful resistance in a legal space, his story deserves special attention, although to this point it is largely overlooked by Faulknerians. "Tomorrow" is not as hopeful as its title would suggest, however. Despite the fact that Fentry's silent legal resistance in response to his previous grievance is deciphered, after the fact, by Stevens and obviously carefully relayed to his nephew, the effect of the experience on Stevens and his emerging sense of justice can only be viewed as short-lived. For the potentially educating experience of seeing law in this instance exposed as a scene of enforced presumptuous and false personal and social inscription obviously registers little subsequent effect on the future County Attorney, the lawyer who years later reduces that other outsider, _Light in August_'s Joe Christmas, to an abstract, racist social theory. Significantly, Stevens' unexpected education in "Tomorrow" as novice lawyer also finds no expression in his later representation as experienced attorney in "Smoke." There exists grim possibility, however, that the successful legal manipulation of emotion in the one story is the professional skill that emerges from witnessing emotion's subversive potential in the other.

CHAPTER FIVE

WOMEN, COMMUNITY, AND LAW IN FAULKNER

The previous chapter stresses the importance of the nature and claims of hidden emotion in legal engagements, both the uses to which law puts emotion and the uses to which emotion puts law. Faulkner's interests in the underlying claims of emotion in "Smoke" and "Tomorrow" represent an instance in his ongoing concern with what is under-represented or misrepresented by law's formulations. Faulkner's examination of some of the representational and misrepresentational strategies of law can probably be best interrogated by more direct attention to one of the most contentious issues in Faulkner studies, that is, the author's portrayal of female characters. Although other parts of this dissertation treat the portrayal of women in relation to notions of law, as in the analysis of Emily Grierson's resistance to legal conformity in Chapter Two and Minnie Cooper's presumed manipulation of the practise of Southern lynch law in Chapter Three, I would like to turn my attention here to some of the ways that Faulkner represents the law to misrepresent situations in which particular women have a legal stake. Although " A Rose for Emily" and "Dry September" present female characters who defy or use the law according to their own purposes, in other works by Faulkner, the law, whether that argued in the courtroom or stipulated in particular contracts, consistently manipulates women and their representations in society. My examination of women and law in Faulkner's fiction will focus on The Hamlet, The Wild Palms, The Mansion, and Sanctuary. Before taking up that analysis, however, I will situate some of the critical concerns surrounding female characters in Faulkner, especially as the concerns emerge in relation to his represented world of law.

I.

Women in Faulkner are certainly seldom safe, for they are often the victims of male aggression, violence, and the frustration the male aggressors feel in the inadequacy or stagnancy of their own lives. For instance, Joe Christmas in Light in August viciously kicks a prostitute after he and other men have had sex with her; this is Christmas' first sexual experience and Faulkner links it directly to explosive fear and rage. Quentin Compson in The Sound and the Fury threatens his sister, Caddy, with a knife held to her throat; his fantasy (and fear) of an isolating incestuous bond evaporated, he momentarily plays at a substitute murder-suicide pact. Although the South, particularly Faulkner's Deep South, typically stratifies female sexuality along class and racial lines, Faulkner invests excessive disruptive potential for the settled order of community in nearly all his depictions of women's bodies, regardless of their pre-ordained place in a Southern order.

As Dianne Roberts writes of one such category of Southern woman,

> [i]n Faulkner the Belle becomes a precarious figure, inhabiting both the vestiges of the reverent space belonging to white upper-class Southern virgins and a new, perilous sexual territory where the female body seems more powerful than ever. Women like Caddy Compson and Temple Drake negotiate masculine and feminine realms, just as they negotiate between purity and pollution..., challenging the hundred years of piety that went into her [the Belle's] construction. (103)

Although women, as Faulkner depicts them, are intensely subject to codes and conditions, Faulkner exposes those codes and carefully explores the pressures the codes bring to bear. As Sergei Chakovsky points out, women dominate Faulkner's plots, and male characters and the presumably male narrators expend their considerable energy trying to "neutralize" (680) such socially threatening women. Eula Varner of the Snopes trilogy is probably the best known instance of such attempts at masculine censure and control, Susan Reed in "Hair" one of the least discussed. As a result of their potential or exercised power, however, Faulknerian women are the constant objects of violence stemming from masculine fear or rage. Faulkner often explores how, in a society so weighted toward preserving the rituals and observance of white masculinity, women are figured as necessarily helpless. When they present themselves as strong characters, women are especially victimized in Faulkner's texts because they are recognized by male characters as politically challenging, socially equal, and sexually intimidating.

Faulkner represents female characters as either most helpless or most disruptive when they enter into the forum of male-constructed, male-centred institutions, not the least of which is the law. Not surprisingly, Faulkner presents women and law exerting multiple pressures on each other. Faulkner explores the interaction of women and law through male representations of women in the court, through the claims, outcomes, attitudes, and verdicts regarding Jefferson's women and their legal identities, and through the lack of clear chances for women either to represent their own interests or to receive social or legal justice in the community.

In the courtroom and in law, the representation of Southern women takes on added significance, since Southern society depends so much on the maintenance of certain ideals of femininity for its own social ordering. The "molding of female subjects in the spectacular public discourses of law and testimony" (14) which Jennifer Wicke discusses in the broader context of the politics of the legal subject has added relevance here, since as much as "subjects are formed by the state" (14), the Southern state is in a large part indirectly formed by its own patriarchal conceptions of its female subjects.[1] In Faulkner, law's positioning of women regularly bolsters patriarchal investments at the expense of genuine legal representation. Yet, despite this condition, some of Faulkner's female characters (such as Eula Varner, Joanna Burden, Charlotte Rittenmeyer, and arguably Temple Drake) struggle to create a justice for themselves apart from formal law or in defiance of communal codes.

II.

In The Hamlet, The Wild Palms, The Mansion, and Sanctuary, femininity is constructed in the figures of the daughter, the prostitute, the regulated wife, and the belle. While I am most interested in the attempts and failures of law to enforce these identities, I am also interested in the way that Faulkner presents law to use various notions of women to construct itself.

Frequently the episodes in Faulkner's fiction that concern the law and its attendant matters have women at their centres. For example, Faulkner presents women in a confrontational but powerless relation to law in the

---

[1] In Sacred Groves and Ravaged Gardens: The Fiction of Eudora Welty, Carson McCullers, and Flannery O'Connor (1985), Louise Westling discusses the tremendous cultural capital that white patriarchal southern culture invested in white southern women, particularly the belles. According to Westling, the southern lady "was supposed to embody the ideals of her culture, but that culture was torn by profound contradictions and forced into a defensive position by wider national pressures" (8). Westling also points out how the southern lady had to represent a social and racial purity which was required by upper-class men for the maintenance of their caste.

"Spotted Horses" section of The Hamlet, when Mrs. Tull unsuccessfully requests before the court that her personal savings for her children's winter shoes, squandered by her frenzied husband on a wild pony that he can never catch, be returned by the alleged vendor of the horses, Flem Snopes. The sale of the wild horses is an intentional fraud in that the vendors know the horses are controllable for only short periods of time; the horses are rounded up, sold, and, after running away from gullible, inexpert local buyers, are caught again for re-sale elsewhere by their handlers. That Mrs. Tull is not compensated for her financial loss is the fault not only of the corrupt Flem, who, typically, cannot be legally proven a part of the scam, but of the court itself. Her voice and claim now legally disregarded, Faulkner's description insists on her undeniable presence (and so the presence of her claim) by drawing attention to her physical reality, the embodied history of a life of labour and endurance:

> 'Wait,' the Justice said. 'The law—.'
> 'The law,' Mrs. Tull said. She stood suddenly up--a short, broad, strong woman, balanced on the balls of her planted feet.
> 'Now, mamma,' Tull said. (337)

Although the court's decision against meaningful recovery effectively disembodies her of a legal and social position, Faulkner keeps attention on her as physical force, solid against the abstractions attempting to push her back. But even as her clipped, accusatory words here, "'[t]he law,'" and her sudden combative rising, which challenges law's physical ordering of its courtroom environment, attempt to defy the court's legal silencing of her, Mrs. Tull can finally answer back only with silence. In this instance, silence can only conform to, not subvert, the word of the law. Mrs. Tull, though narratively represented in a moment of defiance, is legally objectified as a silent female body.

The law that is at work throughout Faulkner frequently sets itself against the presence and choices of women; many of his representations of law are defined largely by that opposition, in fact. In The Wild Palms, for example, Charlotte Rittenmeyer encourages her lover, Harry Wilbourne, a capable but at present runaway medical intern, to perform the abortion that eventually kills her. Unfortunately, Harry's own medical confidence in himself is undermined by his sudden concern with society's rules and settled authority, some of the very restrictions to free love from which the couple flees. His lack of certification as a "qualified" physician, despite his training, gives him such pause that he falters in the medical procedure, with drastic results for the patient and lover in his immediate care. The physician within, fully trained but not yet officially qualified, that nonetheless educated and functional part of himself, succumbs with fatal consequences to overwhelming legal anxiety and professional fears. His legal fear rather than lack of skill makes the categories of official and unofficial power-holders all the more stable; the law can now punish this personal and professional blurring, enforce the separate categories of medical certification and social illicitness that Harry straddles, and, importantly, enforce the fear of the distinction between the categories that compelled the error.

When Charlotte's husband attempts to make a legal plea for Harry in the trial following her death--in keeping with his unconventional promise to Charlotte that he would help save her criminally charged lover before the courts--the judge rejects this testimony, more personally and socially than legally outraged. In the court, the increasingly official memory representing Charlotte displaces any accounts of Harry's genuine love for her--the District Attorney states that he thinks he can prove premeditated murder rather than manslaughter (318)--as well as of the continuing love of Rittenmeyer, who puts aside his own considerable matrimonial grievances in order to respect her previous request by legally pleading on Harry's behalf. Rather than allow at least some consideration to the legal representation of her choices through the two individuals who most love and are specifically authorized by her, the judge instead presumes to speak fully for Charlotte's interests, upholds the narrowly interpreted integrity of her legal rights and identity as he sees them and wishes to manage them judicially and politically:

> 'You what?' the judge said. 'A what? A plea? For this man? This man who wilfully and deliberately performed an operation on your wife which he knew might cause her death and which did? ...Give that man [Rittenmeyer] protection out of town. See that he leaves at once.' (320-21)

Rittenmeyer now represents the unpredicted (and possibly subversive) legal and social factor, since he undermines the conventional notion of the vengeful betrayed husband. He is thereby strategically moved past the scope of legal arguments whose domestic premises and social purposes his stance could challenge. If law cannot operate on behalf of the outraged husband, the court here will expel rather than explain away a masculine contestatory view, especially one which tacitly challenges conventional domestic orderings rather than seeks a displaced legal revenge against Charlotte's lover. Just as Temple Drake is swept from the courtroom, Rittenmeyer's presence must be legally erased so conventional presumptions of law and social order can proceed unimpeded. Admissibility here is already defined not by what is or is not legally relevant but by what the community wishes to admit to itself.

In this instance, the law presumes to control Charlotte's body, her choices and her legacy against her own vision. It also pits an authoritative, anonymous, institutional male perception against that of the men who best knew her and who attempt to realize that private perception of her and her choices even after she is dead. In essence, the court contends against Charlotte posthumously while presuming her legal and social behalf. Although Rittenmeyer's voice is not by any means Charlotte's, his testimony arises explicitly at her request, following Harry's operation, when it becomes clear that she is dying and prosecution will result. By silencing Rittenmeyer's voice, then, the judge also effectively silences the relay of Charlotte's, while making her a generic, unparticular, extension of him: "your wife" (320). Here, then, Faulkner identifies the law with its desire to contain consensual transgressions against a conventional domestic order as those transgressions are enacted by Charlotte's two lovers, both of whom are aware of and respect one another. Since an unconventional, defiant individual in her absence is judicially spoken for, never on behalf of, legal representation in the novel becomes sham and, for Harry Wilbourne, now serving life in prison, binding institutional illusion.

Although Faulkner's depictions of female characters under the law map out many of his male characters' attitudes toward women and female struggles toward some autonomy, the author undermines those same conventional male notions. Certainly Faulkner often seems to present a narrow, sexist view, but such constricted and conventional views are intentionally exploded by the spirit of a fierce social questioning played out through incidents and characters in his texts. Even while Faulkner relentlessly depicts a settled order associated almost exclusively with male characters and sensibilities that cannot adequately define the female presence in its midst, female struggles against such an order nonetheless define his texts.

Sometimes this settled coercive order takes the form of a specific contract. In the case of Eula Varner in _The Hamlet_, for instance, Faulkner initially portrays her as just so much abundantly fleshy goods exchanged between her father, Will, and the conniving and asexual Flem Snopes as part of an explicit contract between businessmen. This transaction occurs after it is discovered that Eula is pregnant by a third party, now run away to Texas. In the emerging male sensibility of market relations that _The Hamlet_ charts, female commodification in Jefferson is further intensified: pregnant and unwed, Eula is now damaged goods. Although Faulkner examines this male commodification of Eula, and goes to great comic detail in his sexual, vegetable, and animal imagery of her in the midst of numerous infatuated males, he also significantly presents her as choosing Hoake McCarron, her first lover (and eventual father of her child), of her sole accord. In fact, their love scene develops out of Eula's and McCarron's successful joint efforts to fight back a pack of young town men intent on raping Eula:

> So they were forced at last to ambush him [McCarron] at the ford with Eula in the buggy when the mare stopped to drink.... [A]nd later, years later, one of them told that it was the girl who had wielded [the buggy

> whip], springing from the buggy and with the reversed whip beating three of them while her companion used the reverse pistol-butt. (139)

This scene does not necessarily promote images of the male protector, however, since McCarron is so sufficiently injured in the fight that Eula must hold him up to make love, "actually support, with her own braced arm from underneath, the injured side" (14). So even as the author presents a range of male characters (with the exception of McCarron) figuring Eula both as privately transacted and communal sexual property, he undermines that objectified conception by depicting her, in one of the few affirming love scenes in his rendered world, as full participant in her own sexuality.

Deborah Clarke points out two important aspects of this extremely atypical Faulknerian scene in a fictional world where usually only the wry irony of a sewing machine salesman named Ratliff, not tender romance, works to relieve the various types of economic and social oppression. First, Eula's participation in the brawl marks a physical assertion, an agency, that she does not demonstrate previously in the novel and, secondly, in a gender reversal of bodily vulnerability, particularly at the moment of loss of female virginity, "[t]he initial blood spilled is not hers but [the injured McCarron's]" (72). Clarke argues that this scene and its significance in Eula's pregnancy provide

Faulkner the opportunity to portray her continuing independence from the male-ordered world:

> This reversal of bodily functions, of bleeding, carries into and beyond the sexual act itself.... She [later] averts disgrace by rejecting language, protecting herself against communal disapproval by not reading her physical [pregnant] condition figuratively--or socially. Refusing to participate in social discourse, she manages to keep her body to herself.... (72-73)

Thus in a community of variously controlling men, some of whom Faulkner scathingly, derisively describes as packs of sniffing, fearful, opportunistic dogs, McCarron alone is presented as Eula's equal. They are equal through the fact that they choose each other out of the community; Eula has no choice made for her here through rape or contract. In this sense, Eula resists both her previous and subsequent commodification, and while her pregnancy necessitates, in her community's eyes, the need for the subsequent business (marriage) contract to "place" her somewhere, under the law and language of the Father as businessman, her nominal compliance seems more indifference than concession. Even when McCarron runs away to Texas upon learning of her condition, Faulkner represents Eula as independent of men rather than deserted. Her later open affair in The Town with De Spain also indicates that Eula (whether as a Varner or a Snopes) does not pay particular attention to the various social and barter agreements (such as the marriage) made for and upon her.[2]

Nonetheless, despite Eula's steady subversion of social definitions and enforced contracts, Faulkner demonstrates that the community cannot accept a fully sexual female subject. Instead, an essentializing male response that shapes the community continues in its fearful paternalistic guardedness, as Will and Jody Varner attempt; in its physical attacks, as Labove and the gang of locals attempt; and in its personal subjugation of women, as Will and Flem attempt in their gentlemen's bargain, the contracting out of Eula with child. The notion of a law operating in this last accommodation--specific in this contract, general in the attitude of all three responses--is figured by Faulkner as exclusively masculine and detrimental to the community as a whole insofar as it represents the code of intensifying ownership, of a commercial and property gamesmanship that plays itself out by constantly relocating property or making property of others.

---

[2] For a contrary view of Eula's ability to subvert or remain independent of male containment strategies, see Dawn Trouard, "Eula's Plot: An Irigaraian Reading of Faulkner's Snopes Trilogy" (1988-89). Trouard charts the various ways that Eula is "marketed" through a male economy in Jefferson. Trouard reads no successful resistance or independence in Eula's characterization, although in Linda, Eula's daughter, Trouard sees one of the most significant resistances to female objectification in Faulkner, when "Linda accomplishes what none of the males has managed to do--destroy Flem" (292).

Accordingly, The Hamlet is characterized by several rapid and dubious shifts in notions of property and ownership. The legally enforced but exploitive transfers of the wild horses and Eula, as living property, are joined by the transfer of "real" property itself in the land of the Old Frenchman's Place. In this regard, Eula's marriage certificate as a compelled and compelling legal document foreshadows the business politics and bad faith of the transfer of this other floating deed of ownership in the novel, as the deed for the Old Frenchman's Place moves from Will Varner to Flem Snopes and eventually to Henry Armstid and V.K. Ratliff.[3] Since the property is worthless, these transfers represent the intensification in Yoknapatawpha of forms of economic exploitation, though all notions of property throughout Faulkner entail both explicit and implicit exploitations, beginning with the original transfer of land from Ikkemotubbe, the Chickasaw Chief, to the original white "settlers" through to the human property in the plantation economy of slavery and up to the present emergence of market relations in the region.

---

[3] John Matthews, in The Play of Faulkner's Language, argues that such exchanges in The Hamlet produce the only (and a false) sense of social coherence left to the (white male) community. According to Matthews, all potential "grounds" for society--romantic love, finance, law, and language--have been lost in the world The Hamlet depicts, only to be replaced by "systems of play that float around missing centers" (163). Matthews himself does not fall into this "nostalgia for lost origins and authority" (167), but claims that Faulkner depicts his male characters at the moment of this nostalgia's exposure.

However, the involvement of one particular character in the transfer of the Old Frenchman's Place deed signals a significant shift in the community's ethics and unofficial codes. V.K. Ratliff elsewhere in Faulkner represents a compassionate community standard, a voice of reason and tolerance that Faulkner regularly elevates to a position of authority that equals, if not works as a quiet corrective to, Stevens' own expansive official voice. Ratliff's implication in the temporary ownership of property whose only value emerges in its shifting use as a bargaining chip in new games of deception therefore represents the expanding market structure's eventual absorption of all points outside of itself. Since property and market relations have here successfully absorbed one of the few removed Yoknapatawpha scrutinizers and critics in Ratliff, Flem Snopes' dominance of the emerging economy and its socially defining structures seems ensured: as one character observes, "'[b]ut couldn't nobody but Flem Snopes have fooled Ratliff'" (373).

By ending The Hamlet with Ratliff's purchase of a worthless piece of property, deceptively "salted" with bits of gold that promise wondrous further gains, further supposed hidden power in ownership, Faulkner links all such opportunistic ownership strategies together in his novel. Significantly, the author consistently depicts half of these bargaining partners are unequal, deceived, or lost. The Hamlet thereby represents at once a stark masculine world of tobacco plugs and an emerging commercial world of pressurized agreements. As James Snead argues, analyzing the community's attempt to accommodate these economic changes and retain a sense of itself, the third-person narrator's insistent and exaggerated mythic depictions of Eula attempt to smooth over the increasingly divisive issues of inequality within the social and economic system (162-63).[4] Yet in the novel's ending, as a man of reason, Ratliff's partner, Henry Armstid, frantically digs for gold that is not there, the narrator demonstrates that a community with a sudden love of the promise and conditions of the contract has also veered away from what it can safely know about itself rather than toward the supposed clarity that contracts and legal writing promise: "the gaunt unshaven face which was now completely that of a madman. [Armstid] got back into the trench and began to dig" (373).

---

[4] James Snead points out in Figures of Division: William Faulkner's Major Novels (1986) that Eula is constantly viewed, and thereby narratively shaped, by male eyes hungry for myths of lost unity. Snead argues, however, that Eula's characterizations are best understood as the anxious male wish for "a sociopolitical future, not the mythical past" (162). In "The Dialogic Perspective in William Faulkner's The Hamlet" (1991), Millie M. Kidd also examines the relationship between the narrator and the various male characters as they all transform Eula by drawing on classical mythology, though Kidd does not posit what the different investments motivating such a transformation might be. Dawn Trouard, by contrast, reads the male community's attempts at a mystic transformation of Eula as the response to their own exaggeration, then fear of, Eula's sexual "wonder" and, if Eula is transformed into legend, "she has, of course, always been on her way to being dead and so physically unavailable" (285).

Similarly, as Eula's "mythic" qualities are reduced to the enforcements of contract, the male community witnesses one of its presumed (and self-serving) foundations of value and meaning, her femininity, reduced to just another arbitrary economy, to "a floating system of signification" where now exchange exclusively inscribes her and the community's meaning (Matthews 168-69).

As changing social and legal conditions of exchange in a New South setting shape The Hamlet, a new isolation, not a different unity, marks the community's transformation. The sublimated aggression in contract that seeks to reorder the world legally, in a new language, represents only a shift in the terms for defining exploitation, rather than the sudden introduction of exploitation. Now, members of the dominant white male community are positioned as helpless or exploited bargaining partners in relation to other dominant white males in an economy historically built on the exploitation of blacks, women, and poor whites. As well, contract, as Faulkner depicts it here, extends rather than leaves behind the (male) driving and divisive aggressive impulses that the author portrays to come most revealingly to the social surface in questions concerning women and property. The ideas of contract behind all the major events in the novel--Eula's marriage, the transmission of the Old Frenchman's place, and the strange legal logic of the court's awarding Mrs. Tull the body of a dead horse as "recompense" (337) but not any financial recovery on her husband's loss through fraud because "[i]n the law, ownership cant be conferred or invested by word-of-mouth" (336)--work to enforce the power of an emerging business ethic that views community only as arena. Love and fear of the contract have thus arrived in Yoknapatawpha, at once joining and dividing all.

The Hamlet's joint introduction of intensified notions of contract and the entrepreneurial Flem Snopes, who, not surprisingly, is involved in all the novel's contracts, also draws together an unusual but persistent idea of legal power and asexuality or repression running through Faulkner's fiction. For instance, Faulkner specifically characterizes his chief figure of law, Gavin Stevens, as a solitary bachelor, completely uninvolved with women.[5] In a curious Yoknapatawpha repetition, for example, both Eula Varner (mother) and Linda Snopes Kohl (daughter) make explicit sexual advances toward Gavin in moments when he is legally intervening in their lives, either in his misguided and vexatious attempted lawsuit in The Town against de Spain, Eula's lover despite her marriage to Snopes, or in his unsolicited attempts to advise the newly returned, committedly activist Linda against her efforts in civil rights work in Jefferson in The Mansion. In both instances, he repels these spontaneous feminine advances in shock, though all his prior actions and attentions toward these women indicate his strong romantic longing for and idealization of them. Stevens' repression, although only part of a whole scheme of male sexual repression that structures the male psychic life of Yoknapatawpha, takes on added significance in relation to his position as lawyer in that a specific function of law is the repression of unruly personal impulse in service of a predictably ordered social world. While clearly not asexual, Stevens represents a link between personal position and institutional role that articulates his masculinity as public power, particularly as the power of official language, but never the vulnerability of expression. Since Faulkner also represents the asexual Flem Snopes through a constantly expanding legal and commercial authority, institutional power in Yoknapatawpha emerges as a force largely shaped on the concept of masculine sterility, as both Stevens and Snopes, perhaps strategically, perhaps fearfully, remain at a conspicuous social and personal remove. This marked similarity between Stevens and Snopes, supposed legal opposites who operate nominally on the same side of the law, indicates that the quest for a controlling Yoknapatawpha legal power is not only profoundly anti-impulse, anti-expression, anti-participatory, but institutionalizes energies that might be otherwise channelled.

---

[5] Gavin's distance from women persists until "Knight's Gambit," where he furthers a suddenly resuscitated suit--romantic, not legal--for a lost love.

Legal power and sublimated male sexuality are further linked in other aspects of Stevens' characterization. His extremely vigorous efforts (and seeming constant investment of his time) in The Town to advise Linda Snopes about college when she is a high school senior, while they drink milkshakes at the local drugstore, also indicates this legal figure's proclivity to indulge vicariously in a socially illicit sexuality, but at a safe distance and with propriety intact. Stevens is figured here in a double, contradictory impulse: drawing Linda to him through his college counselling while sending her away from the claustrophobically provincial Jefferson and her manipulative step-father, Flem. As the milkshakes, which point to a high school courtship ritual, punctuate his volunteered advice to attend college outside the South--advice from a professional who earned degrees at Harvard, Mississippi State University, and in Europe--Gavin is at once nervous small-town boy-lover and worldly experienced paternal-counsellor, as his law student nephew, wary of a possible local scandal, suggests to him.

In many senses, then, Faulkner continually sets up a fraught, always confused intersection of men, women, and the various forms of law, whether through contract, counsel, or criminal arrangement. Flem, for example, as a sexless male seeking to control, or at least preside over for his own purposes, Eula, a woman whose sexuality underscores the absence of his impulses, immediately calls to mind Popeye in Sanctuary, the Memphis gangster who commercially profits from the commodification of female sexuality when he dictates Temple's temporary prostitution at Miss Reba's brothel. Ironically, Flem's quiet management of Eula's body in order to rise in the commercial community is legal while Popeye's of Temple's is illegal. As Flem continues to condone Eula's open affair with de Spain, president of the Jefferson Bank, Flem continues to rise in the bank's organization and to the increased civic responsibility and respectability he desires.

The irony in these respectable, on the one hand, and illegal, on the other, methods by which female bodies are exploitively managed in Faulkner's invented world hinges on the ways that each man views his relationship not to women alone but also to the law. Flem continually controls the law as a daytime bargaining chip in his economic activities; Popeye disregards the law entirely and lives in the Memphis underworld of bootleg liquor and brothels. The irony lies in the fact that these men hold similar attitudes toward the women over whom they exert a social control, profit similarly from women's bodies and other men's desires, and remain beyond any legal accountability in their various dealings, yet are characterized separately as pathologically outlaw (Popeye) and slavishly respectable (Flem). To both Flem and Popeye, women and law are useful instruments when they are positioned so that one controls the other: Flem profits repeatedly as holder of the marriage contract and continues to be promoted because he tacitly agrees to the affair; Popeye, rather than only use illegal means to extract profit from the trade in women, also works the reverse arrangement by apparently using Temple's perjury to extract legal immunity from the court.

Although legal figures and written law fail to recognize the concerns of women in Faulkner, sometimes female outlaws provide their own justice, though one severely qualified. There emerges a partial justice from the marriage of Flem and Eula, for example, that militates against the presumptions of the legal, commercial, and social arrangements dictating their life together. In The Mansion, the third novel in Faulkner's trilogy, Mink Snopes murders his now respectable cousin Flem for abandoning him to the court system (and prison) after Mink murders Jack Houston because of a dispute over a trespassing cow. Mink commits the murder following Houston's own recourse to law to recover the feed cost for Snopes' cow. In murdering Flem, Mink finds assistance from Linda, Eula's daughter. Flem is thus dealt with in the end, measured by both the catalyst for and essence of that arranged marriage, Linda, rather than delivered by the letter of the contract that all parties lived up to. Linda Snopes Kohl, one of Faulkner's strongest and most developed characters, "kills" Flem by arranging the homicide in compensation for his legally permissible crimes against community, family (both his and hers), and his wife-by-contract, her mother, an eventual suicide. Faulkner's characterization of Linda as educated, feminist, socialist, and a war veteran thereby opposes her on several ideological levels to Flem, Will, and even de Spain, especially to the extent that these men regularly trade over bodies as goods. Although notions of the contract quantify women's bodies as a matter of course and custom in Faulkner, Linda breaks that custom by entering as a full but silent partner in a complex joint contract with Mink in his revenge murder plot.[6]

Strange masculine similarities that stem from reductive notions of women also link legal officials to their social opposites, those who seek only to break the law. As many critics have pointed out, the lawyer Horace Benbow in Sanctuary finds himself helplessly lost in a political and social world where all distinctions between legal and illegal space are constantly breaking down.[7] The most prominent example of this legal and illegal confusion in the novel, particularly as it relates to women, is Miss Reba's brothel, a sanctuary of its own illicit kind where bankers, lawyers, doctors, senators, and police captains number among her customers. As Deborah Clarke observes, the clientele "thereby establish[es] a kind of legal credibility" (57) for this illicit space. André Bleikasten also reads the novel as blurring opposite notions of legal and social space, a blurring underscored by the Jefferson upper-class' later frantic attempts to secure "closure through a system of defenses and partitions which divide space into inside and outside" (230). Sanctuary, a trial novel about the rape and abduction of Temple Drake, a judge's daughter and Ole Miss debutante, charts not only physical transgressions and intrusions, then, but the disappearance of the discrete conceptual spaces and categories by which transgression, legal and otherwise, can be defined. This disappearance of categories accounts for the increasing intensity of

---

[6] For a detailed discussion of Flem's murder, Mink's revenge, Linda's plea to have Mink released from prison, and Stevens' arguable acquiesence to the arrangement and its fatal outcome, see Joseph Urgo, Faulkner's Apocrypha: A Fable, Snopes, and the Spirit of Human Rebellion (1989), pp. 161-63, 194-211. Urgo argues that Mink Snopes, as dispossessed proletarian farmer and convict, represents "the naked face of rebellion" against a system of economic anxieties that has produced his rebellion (203). Urgo also views Mink as profoundly shaped by his experience of law as a type of class antagonism, an instrument of privilege that supports Jack Houston, his comfortable neighbour, and Flem, his affluent cousin, but will not hear him.

---

[7] See, for example, Jay Watson, Forensic Fictions, 63-75. Watson claims that Temple's appearance as witness for the state demoralizes Benbow to the extent of "ephasia" (73) as a result of Benbow's realization that he is surrounded by corruption, that there is no secured ethical space, no sanctuary. See also André Bleikasten, The Ink of Melancholy (1990), pp. 213-36, for a discussion of Benbow's failed attempts at substitution, projection, and escape that only return him to a deeper futility than he began with. To my mind, Faulkner characterizes Benbow as believing his role as lawyer could separate and save him from the social and legal organization of a community to which he is inextricably tied.

Jefferson's class concerns and the expressions of an empty official morality as the novel progresses.

III.

But while the representations and order of law manipulate women contractually in The Hamlet and posthumously in The Wild Palms, women both manipulate and are manipulated by law, as manifested in courtroom trial and trail preparation, in Sanctuary. "Law" is played out in several ways here: Temple's inexplicable, possibly compelled perjury sets in motion Goodwin's lynching; Miss Reba's whorehouse characterizes the social background and is both sanctioned and perpetuated by legal officials; and Narcissa shares information about her brother's defense strategy with Eustace Graham, the District Attorney. This last instance of legal manipulation both compromises the court case and demonstrates the lengths to which Narcissa is compelled in order to preserve her Southern sense of propriety, the unwritten social law to which this defense attorney's sister allows a fuller recognition than the rights of the accused.

The attempt to maintain the legal (and related social and psychological) split between vastly different worlds, while constant movements and exchanges are sanctioned and even necessary between legal and illegal zones, works to revise drastically the gothic element in the novel.[8] The intersections of the ordering structures of law and the transgressive invitations of the gothic are central to a consideration of the positioning of women in the novel, since each realm figures women in relation to patriarchy and authority, though for different purposes. While law traditionally shores up patriarchy's claim on women, the gothic exposes and dramatizes the terrors implicit in such claims. The collision of law and the gothic in Sanctuary stresses the male characters' efforts to stabilize enforced class and sexual positions for women while that artificial positioning everywhere breaks down, constantly undermined by the men who constantly construct it. As well, the authority of law depends on law's construction of a supposed social readability that can order a world; the gothic, on the other hand, stresses the dangers but possible pleasures of an unreadability beneath fragile social structures.

Conventionally, the gothic represents "a fantasy projection of the unconscious side of the romantic imagination", according to Terry Heller's summary ("Mirror" 247). Heller, however, argues that Faulkner revises that notion by having the supposedly projected gothic world gradually emerge as more substantially real than the ordered world of Jefferson role-playing. In Sanctuary, after all, the underworld flourishes because respectable society needs it for illegal services in alcohol (during Prohibition) and prostitution (Miss Reba regularly boasts that her client list include all the biggest legal and political talent in the region). The underworld, initially presented as gothic nightmare place, now becomes less an imaginatively constructed, otherly projection and more a highly organized social and political location in its own right. Perhaps this is what is most terrifying about the gothic in the novel: that what seems fantasy is actually real. In fact, as Heller reads the novel, a sudden reversal specifically damaging for Jefferson authority occurs: "[t]he mirroring underworld points to the fictionality of respectable society, to its pretence that its ideology is comprehensive" ("Mirror" 248). Heller argues that the increasing claims of the gothic as figured through the underworld thus maintain their fantasy quality in the minds of Jefferson upper-class, as a type of psychological catering service, while actually enabling, if not constituting, Jefferson's social fabric: "respectable characters often make use of the underworld to maintain fantasies of self and social relations" (248).

---

[8] I understand the gothic as a tabooed space, a place of transgression and terror beyond the jurisdiction of conventional life and authority.

The criminal underworld's social sturdiness and access to considerable legal and economic resources relate specifically to the presentation of women and law in the novel, especially as law presumes to be able to create and maintain a world through legal reasoning and resources.

Moreover, the conditions surrounding Temple's perjury and the underworld's influence on the trial pit the illegal construction of her (as perjurious accessory to the cover-up of at least two murders and her own rape and abduction) against her legal construction (as sworn witness, crime victim, and a judge's daughter). The uncertainty surrounding the motive for Temple's courtroom performance has pre-occupied readers since the novel's publication. The perjury, while a legal issue, also bears considerably on the portrayal of Temple as the novel's central female character, particularly since she shields her own rapist and abductor. Given the importance of this perjury to the representations of both women and law in Sanctuary, I will now briefly examine some of the issues and possible readings that the perjury engages.

Temple's perjury allows the District Attorney to prosecute an innocent man, Lee Goodwin, for Popeye's crimes. Critics have suggested only in passing the possibility of some agreement between the District Attorney's office and the Memphis gangland (for example, Clarke 68). Charles Chappell's widely overlooked article on this novel, however, convincingly demonstrates, with careful attention to the novel's curiously and deliberately obscured facts, the logic and motivation behind the trial's prosecution strategy and likely orchestration of the perjury: according to Chappell, the trial itself is controlled entirely by Popeye and his

Memphis gangland connections. A further reversal of legal authority other than that implied by the increasing legitimacy of the gothic now occurs, as Faulkner casts the world of law as only the staged extension, the puppet show, of the world of the lawless. Chappell locates the nearly invisible gangster influence behind the trial in the strange and silent Memphis lawyer sitting at the prosecution table and carefully establishes that he is the absent Popeye's lawyer. Chappell argues that a deal has been struck between Popeye and the District Attorney, one which also possibly includes Judge Drake, Temple's father. According to this account, it can be said that no real trial ever occurs, but only a series of official legal gestures that create, in order to satisfy, communal outrage. Most importantly, the trial's conduct underscores the insignificance of Temple's rape, as a harm in and of itself, to all "authorities" involved, both legal and illegal, while exposing the use of her rape in a series of power moves that both secure voter confidence in the District Attorney, a politically ambitious lawyer, and protect Popeye from the law. Here, rape becomes male political and legal capital specifically as it disappears as a crime against women. The novel's represented power structure absolves the rape, then, just as the crime of rape itself evacuates a woman of her sense of self.

To connect the narratively under-represented Memphis lawyer to Popeye persuasively is to connect Popeye's legal interests to the District Attorney's political interests. Although Chappell alone has managed the first part of the connection as argument rather than speculation, he does not examine the implications and their effect on the novel's representation of Temple Drake. I would like to rehearse Chappell's argument here briefly, since it is a genuine and underestimated contribution to Faulkner studies, let alone to the understanding of law in a major Faulkner novel, that has enabled my later discussion.

As Chappell points out, the silent, enigmatic Memphis lawyer who sits at the District Attorney's table has an unusual habit of sitting low in chairs as though on his spine, seeming to control physically the legal proceeding "without having to say or do anything" (34). Chappell recognizes this seemingly insignificant physical detail as the tangible connection that joins the supposedly disparate world of Jefferson politics and law in the courtroom to Popeye's criminal world. This shady lawyer appears only twice in the entire novel: first, unnamed as one of Popeye's henchmen, "the fourth man" who, not coincidentally, "sat on his spine" (187) as he orchestrates Temple's abduction well before the trial in order to secure her at the "Grotto" roadhouse after her attempted escape from Miss Reba's. He is described again only at trial: "[t]he

Memphis lawyer was sitting on his spine, gazing dreamily out the window" (231). Chappell's argument connecting the legal and illegal worlds and their representatives in a united front in the trial also draws its evidence from the novel's Senator Clarence Snopes' enraged and puzzling references to a "Memphis jew lawyer" elsewhere in the novel (211). Snopes rants to nobody in particular in a local barber shop about this figure who has presumed to

> hold up an American, a white man, and not give him but ten dollars for something that two Americans, Americans, Southern gentlemen; a judge living in the capital of the state of Mississippi and a lawyer that's going to be as big a man as his pa some day, and a judge too; when they give him ten times as much for the same thing than the low-life jew, we need a law. (211)

Senator Snopes has been severely bruised and injured just prior to this outburst of Southern (legal) pride, a result of being hit by a car, he claims. Yet, as the barber to whom he is nominally speaking implies, the Memphis lawyer, the subject of his anger, rather than a car, seems the more likely source of his recent physical injury. This is a reasonable deduction, given that Snopes blatantly reveals in his unwise statements that he was succeeding in selling information about Temple Drake's circumstances and whereabouts to both Judge Drake ("a judge living in the capital of the state" [211]) and Horace Benbow ("a lawyer that's going to be as big a man as his pa some day" [211]). Snopes appears to have attempted the same profitable manoeuvre with the Memphis lawyer himself who, apparently unknown to Snopes, is already confining Temple on Popeye's behalf, since Faulkner indicates through the unusual physical description of "sitting on his spine" that the "fourth man" and the Memphis lawyer are one and the same. Since the Memphis lawyer is said to have given him "but ten dollars," an amount Chappell reads as a gesture of contempt to accompany the beating, the Judge and the lawyer have each paid one hundred dollars for Snopes' information, or "ten times as much." When the barber, who is shrewder than Snopes takes him to be, questions his statements further--"'What was you trying to sell to that car when it run over you?'" (212)--Snopes shuts the question down: "'Have a cigar,' Snopes said" (212).

The implications of the clumsy attempts of a backwoods Senator to make pocket money on undisclosed crucial information in a murder, rape, and kidnapping trial and being assaulted by a gangster lawyer as a result stretch beyond odd legal comedy, however. Faulkner depicts a legal and political system where opportunistic victimization is perpetuated and institutionalized as a matter of course, where senators sell the same legal information to judges, defense lawyers, and mobsters. Demarcations between legal and illegal representations thus continue to break down in the trial preparation as secret spoken exchanges between legal enforcers and perpetrators intensify. And in a novel increasingly full of speeches and spoken assurances, Popeye and his lawyer continue to be the most silent characters. Relatedly, they emerge as the most efficient legal and political power-holders in a society where they are supposed to have little official status, just as they have only an obscure and concealed status in the daytime courthouse trial, despite apparently controlling the trial's entire legal scope and access to information.

If, as many critics suggest, Temple has been heavily prepared for and possibly coerced into her perjurious testimony, "giving her parrot-like answers" (228) while cautiously watching "something"(228) at the back of the courtroom as she testifies on the stand, several questions remain: Who prepared her and to what specific purpose? How do her representation and participation in the dubious trial bear on issues of women and law? Why would a rape victim protect her rapist and help convict another man? In attempting to address such questions, Michael Millgate argues that Eustace Graham, the District Attorney, strenuously coaches her "to give a series of prepared answers designed to get an easy conviction--and simultaneously protect Popeye" (163), though Millgate's wording does not make it clear if the District Attorney intentionally or only incidentally shields Popeye through his strategy. Jay Watson, in an otherwise thorough discussion of the novel, is also unclear on this point of collusion and tampering--of whether the District Attorney is working with or perhaps even for Popeye and his gangland connections--when he asserts that Temple's testimony demoralizes Benbow, the defense, "who sees immediately that she has been enlisted in Graham's, and Popeye's, cause--a witness dealt from the bottom of the deck" (69). Joseph Urgo, by contrast, in "Temple Drake's Truthful Perjury: Rethinking Faulkner's Sanctuary," argues that Temple names Goodwin in court of her own volition because he was the leader at the Old Frenchman's Place, the location of her rape by Popeye, and therefore had "authority over the others" (444). In this account, Temple would surprisingly obtain an authority for herself that the social and legal system has not intended to grant her. That is, Temple participates in her own justice and self-representation through the process of legal naming, despite the various (male) castings of her as witness, daughter, victim, Southern belle, whore, forbidden woman. While Urgo stretches the limits of legal responsibility for the rape and presumes a woman who has suffered rape would find an ambiguous figure at a bootleggers' encampment exclusively responsible rather than her repeated assailant and abductor, Popeye, his argument calls for a reconsideration of Faulkner's positioning of Temple in the web of Jefferson's legal and gender misrepresentations.

Still, in my view, Chappell's reading of an almost completely submerged legal deal within the structure of the novel accounts most fully for the trial's strange absences, presences, and progressions, that is, for the Memphis lawyer in particular and, through him, for the pursuit of the unsettling legal and political interests over and against the legal address of Temple's rape. The likelihood of the deal also ties together the representatives from the supposedly disparate social and legal/illegal spheres as they argue their orchestrated claims for Temple's representation in the trial and, notably, await her legal representation of them as her male defenders. The presence of a legal deal would also be consistent with the novel's overall structure of blurring several ostensibly discrete spaces and representing unlikely and forced encounters and negotiations in those spaces. The possibility that the District Attorney cuts a deal with the Memphis lawyer, Popeye's veiled counsel, does not, for example, exclude the other possibility that Judge Drake also plays a central part in the arrangement, either directly with Popeye's lawyer (with Graham as later third) or with both the District Attorney and the Memphis lawyer as equal legal bargaining partners. Judge Drake's interest would be, as Millgate points out, "to minimize [Temple's] own, hence her family's public shame by avoiding all reference to Miss Reba's and the life [of forced prostitution] she had led there" (163). Still, the exact legal co-ordinates and the legal players shaping the probable deal that "produces" Temple as American literature's most inscrutable witness will always remain unclear. The novel itself will not expose the conditions of the deal, though it establishes through crucial narrative details its presence.

The multiple suggestions and suggestiveness of such a legal deal bear on the representation of women as much as on law in that through such a deal Temple effectively becomes absent from the proceedings though both present in the court and the supposed centre of the trial. Temple is legally erased, that is, at the very moment of her legal construction. Her legal presence marks only absence in Sanctuary just as the narrative representation of the rape itself is crucially missing, though the entire novel revolves around her rape and testimony and legal authority's political management of both.[9] Finally, then, Temple has as little genuine legal standing as a rape victim testifying in the Jefferson courtroom as she does as rape victim at the Old Frenchman's Place or as abducted college student forced into prostitution at Miss Reba's.

---

[9] For a detailed narrative analysis of Faulkner's refusal to depict the rape, see Laura E. Tanner, "Reading Rape: Sanctuary and The Women of Brewster Place," American Literature 62:4 (1990). Tanner argues that the "novel's refusal to write the rape jolts the reader into becoming the author of the crime" (561). Tanner views Faulkner setting a "narrative trap" (565) where the reader's desire for narrative closure results in--"if only momentarily" (565)--the reader's envisioning and creation of the promised violence.

All spaces, legal and illegal, sanctioned and illicit, become the same space, as different types of violation compound and develop from each other. In the various settings, Temple is controlled by a changing cast of powerful and distant father-figures: Judge Drake; one of Ole Miss' unnamed Deans; Popeye (whom she repeatedly calls "Daddy" both to sexualize and parody his paternal power); Eustace Graham ("'Let the good men, these fathers and husbands, hear what you have to say and right your wrong for you.'" [227]); and, finally, in a circuit of paternal return, Judge Drake again. This last father, however, the "real" father and the novel's most authoritative legal figure, makes clear his own social and legal control in a trial over which he is not presiding:

> a man [came] stalking up the aisle towards the Bench .... and stopped before the bar above which the Court had half risen, his arms on the desk. 'Your Honour,' the old man said, 'is the Court done with this witness?' 'Yes, sir, Judge,' the Court said; 'yes, sir. Defendant, do you waive--'. (230)

Thus while Sanctuary deliberately presents confusing levels of uncertain legal and political control, it also presents a clear and ongoing transfer of control over Temple Drake. Despite the textual indeterminacy of the location(s) of the hidden authority and the source(s) of the choices shaping the novel's legal narrative and the strange management of the trial, Sanctuary connects all its differing and competing levels of power through one point, Temple, and more specifically through her eighteen-year-old body. As the series of securing and threatening father-figures continually trade off one another, there emerges, as Roberts points out, not only physical rape, but also a series of ideological rapes and violations:

> [t]he community demands that Temple belong to one bed or another as 'sleeping' virgin, 'ruined' whore, or corpse. Horizontal, her disruptive body is less powerful, contained by the bed, controlled by father or pimp. (30)

Roberts also speculates that Faulkner probably delights in the way his novel batters the Southern belle. Faulkner, however, seems to me to delight most in a literary dismantling of the class structures and spaces that have historically made the notion of the Southern belle possible. Faulkner destabilizes class structure by writing Jefferson as much as a social continuum predicated on a literal as well as conceptual economy of sexual exploitation as a socioeconomic structure whose divisions perpetuate class distinctions. In the novel, men emerge as sexually and politically similar and their goals and methods the same. Although the male upper-class produces the notion of the Southern belle, all men in the novel participate ideologically in her violation.

In short, Sanctuary charts the collapse of formal law in Jefferson specifically through the collapse then re-establishment of categories that define women in the community. The Southern belle who becomes the accomplice to murder after several crimes are committed against her can become reified as the Southern belle and the judge's daughter only at the expense of even the appearance of justice in the trial, when she is rescued from the stand by her father. The novel specifically traces the reason for this legal collapse to the necessity for Temple's social rescue from the dangers of legal examination; this displacement represents yet another, but "legal," abduction, as it were, of the first-year Southern college debutante who represents all the social and class forces that are now intensifying for both her and their sakes. Ironically, in an early scene, Temple's naiveté in a nervous conversation at the Old Frenchman's Place with Ruby, Goodwin's common-law wife and a former prostitute, foreshadows the novel's strange and complicated legal trajectory, that is, the way that Jefferson authority will eventually both succeed and fail on her behalf:

> 'I'm not afraid,' Temple said. 'Things like that don't happen. Do they? They're just like other people. You're just like other people. With a little baby. And besides, my father's a ju-judge. The gu-governor comes to our house to e-eat--what a cute little bu-be-a-by,' she wailed, lifting the child to her face; 'if bad man hurts Temple, us'll tell the governor's soldiers, won't us?' (46)

Although Faulkner presents the law to perform as a tenacious and systematic configuration of distortion, omission, and lies regarding female representation in the novel, he also demonstrates the ways that some women characters are able to manipulate legal forms and representations. He also depicts women characters to control or manipulate legal trajectories and spaces unofficially. For example, Temple Drake, sexually victimized, in turn legally victimizes through false testimony Lee Goodwin, former criminal and present bootlegger, but not her attacker nor the mentally enfeebled Tommy's killer. Horace Benbow, privileged, disillusioned, and separated from his socialite wife, Belle Mitchell, takes on Lee's defense as a half-hearted attempt at social justice and, more self-servingly, as his own attempt at personal redemption through social defiance. However, his indignant sister, Narcissa, more socially prominent than even Belle, objects to her wayward brother's legal involvement with alleged criminals not because they are criminals but because they are lower-class. Her indignation expresses itself in her eventual unethical co-operation with the District Attorney, when she conveys whatever she knows of her brother's preparations to opposing counsel. Prior to this betrayal she tries to broker her own unofficial legal deal to prompt her brother to leave the case:

> 'I don't see that it makes any difference who did it. The question is, are you going to stay mixed up with it? ...Hire a lawyer if he [Goodwin] still insists he's innocent. I'll pay for it. You can get a better criminal lawyer than you are.' (147)

Narcissa thus enforces an abstract social code of class over the importance of the trial's potentially explosive issues, all of which eventually revolve around the social and gender positioning of Temple. Narcissa's intervention also bolsters the status quo outside the court, where the more widespread concerns about a pervasive but shifting social control of women remain a pressing question in the novel. In her enforcement of the settled social order, Narcissa enters into and supports both the masculine and material world based on its present orderings though law and language (Clarke 52). Notably, Narcissa's motive for subterfuge is the same as that of her state's legal officials, thereby linking her to Jefferson's masculine imperatives: to uphold a nominal public decency and respect that protects masculine special privilege over and above the interests of the particular individuals, both men and women, enmeshed in the trial and its social labelling.

Even as she covertly works against her brother's efforts in the legal defense, Narcissa is nonetheless still similar to him in her faith in social abstractions and her self-serving motives for investing herself in the trial's events at all. As Horace wishes for personal redemption, Narcissa for social maintenance. And despite their oppositional positioning through the trial, Horace, Narcissa, and Temple Drake are linked by more than the trial itself. They are also linked by their legal and social privilege, since all are adult children of prominent legal officials in a small town, and by their attendant obsessions with respectability. It is this shared obsession with social forms that leads each to rebel against such forms so drastically. The transgressions of the upper-class adult legal children of the novel thus drive all Sanctuary's action and ultimately uphold and even strengthen the social forms. So while Sanctuary concentrates on women, their violation, supposed protection, and contradictory social positioning through sexuality, class, and law, its insistent point is that the views of all the characters--law-makers, law-breakers, and citizens--are tangled up together concerning the violations (and violation through protective positioning) of women. Faulkner ties together the criminal underworld and the upright legal and social world even as the trial works to keep them separate.

For all Sanctuary's cast of half-concealed legal and illegal perpetrators, there are also half-concealed victims of the law. Though Temple is the victimized woman upon whom most of the attention is focussed in the courtroom, another woman's fate is more squarely before the Bench: that of Ruby La Marr, common-law wife to the defendant. When Benbow freezes in the face of Temple's perjury, however, and mounts only the appearance of Goodwin's defense from that point on, he fails Ruby as much as Lee and himself. Horace, after all, merely objects to some of the District Attorney's insinuations about Ruby and Goodwin's unwed life together and the subsequent attempts at character assassination, while allowing several opportunities for genuine defense to evaporate before him, such as questioning Temple's whereabouts between the time of the murder and the trial to draw out possible testimony on Popeye. Benbow, the idealist, thereby unwittingly becomes complicit in Temple's unchallenged victimization of his client, as well as of, by consequence, Ruby and her baby. In his legal paralysis, Benbow thus effectively forsakes the previously liberating endeavour of defense which he defies his class-conscious society and family to undertake. More importantly, he, as lawyer, has seemingly lost faith in the possibility that his trained use of language can stand against the (silent) forces that are gradually taking control of the trial. It is as though, having suddenly lost faith in the legal system that would "produce" Temple so she could perjure, he has also lost faith in the system's chief instrument of representation, language itself.

Benbow's curious withering in the court, Temple's perjury, and the court's silent indulgence of her removal from the witness stand by Judge Drake pose two problems for the representation of female legal identity in the novel. First, Temple is presumed by all her "protectors" as incapable of representing herself and her actions and must be delivered from legal jeopardy and social shame by lies and eventually an authoritative male, doubly so here: "My father's a judge; my father's a judge" (42). Secondly, since Lee and Ruby's lawyer is incapable of appreciating the odds against the case or the social incongruities swirling around it, he is not prepared for the range of false representations that will be legally and culturally deployed. Therefore, he is legally handicapped from the start by failing to comprehend Goodwin's chances against an onslaught of social and sexual stereotyping that revolves around representations of Temple as the Southern belle and Goodwin as not only accused rapist, but perhaps worse in Jefferson, alleged class perpetrator. Unlike Temple, Ruby is not shielded by any encompassing legal authority, not even the one that is supposedly positioned to defend her common-law husband against accusation, against a process already partisan against them.

In the trial scene of _Sanctuary_, then, neither woman, though on opposite ends of the table and opposite ends of the social, economic, and legal resources, has a genuine legal identity. Temple's identity remains fixed and generic as her father's daughter. Her exit from the court among the herd of her brothers, two of whom are also lawyers (44), dramatizes her lack of self in the social structure and legal process:

> ...and in a close body, the girl hidden among them, they moved toward the door. Here they stopped again.... [T]hen the five bodies hid her again and again in a close body the group passed through the door and disappeared. (231)

Ruby, as well, through her social position as former prostitute and common-law wife of a boot-legger, has no social or legal recourse in Jefferson. In contrast to

Temple, however, Ruby will not be delivered by any intervening forces but the efforts Benbow makes or fails to make on Lee's behalf. And just prior to the guilty verdict by the jury after only eight minutes of deliberation, the emptiness of the law as a representative instrument of anything other than formulations of power and presumption is quietly, almost soothingly, registered:

> The room breathed: a buzzing sound like a wind getting up. It moved forward with a slow increasing rush, on above the long table where the prisoner and the woman with the child and Horace and the District Attorney and the Memphis lawyer sat, and across the jury and against the Bench in a long sigh. The Memphis lawyer was sitting on his spine, gazing dreamingly out the window. The child made a fretful sound, whimpering. 'Hush,' the woman said. 'Shhhhhhhh.' (230)

The failure of law in Sanctuary is directly linked to male attitudes toward women and to the Jefferson women's acceptance of their assigned roles, whether as coquette and belle in Temple's case or unsolicited enforcer of upper-class sexual and social codes in Narcissa's. Ruby implicitly understands this corrosive link between men, women, and law when she believes that the system, at all its levels, including Lee's own defense counsel, will require something physically and sexually of her as woman, as object. When she offers herself sexually to the baffled Horace as the retainer for his preliminary legal work, she acts on her underlying class and gender presumptions that the lawyer representing Lee's interests is no different from the oppressors, opportunists, and prosecutors who will--are socially able to--take from her: "'You said tonight was the time to start paying you.... I thought that was what you meant'" (219). Ruby's attempt at sexual payment is an instance in a pattern of payments already required of her by a social order and a community that will not include her in any manner but sexually, reductively, transactionally:

> 'Good God,' [Horace] whispered. 'What kind of men have you known?'
> 'I got him out of jail once that way. Out of Leavenworth, too. When they knew he was guilty.'
> 'You did?' Horace said. (220)

Ruby's view of society and her personal, social, legal representation in it have been entirely conditioned by the men who are the custodians of such representations, those who shape or sit in judgement of the movements and attitudes of society as a whole. In law, Ruby reads only class and gender, and through those, exploitation, not genuine attempts at adjudication. In fact, Bleikasten attributes Ruby's initial contempt for Temple, who blunders presumptuously into the old plantation home that now serves as the bootleggers' gothic haunt, as "smouldering class hatred rather than sexual jealousy" (235). Ruby clearly resents the implied protection, whether genuine or not, with which Temple feels herself able to move between worlds. She also probably resents Temple's trust in such protection.

The verbal exchanges between Ruby and Horace which demonstrate their different experiences of law are representative of Faulkner's presentation of women and the law in this novel, in that Ruby feels herself entirely at the mercy of male legal figures: that is how she experiences what is or goes by the name of "law." By contrast, Horace's surprise at Ruby's disclosure of a former sex-for-law/sex-for-freedom transaction signals his dangerous because luxurious presumptions about the institution of law and its promises of equality, equity, and a chance at justice. If the courtroom is the structure where the ideas of society interact with the institution of society, Horace misjudges what some of his society's entrenched ideas are concerning both women and the law, both in and out of the court. In the court, legal professionals such as the District Attorney speak of the feminine with rhetoric, distance, and abstraction, all potentially dangerous because of their attempt to mystify Woman:

> 'You have just heard the testimony of the chemist and the gynaecologist-who is, as you gentlemen know, an authority on the most sacred affairs of that most sacred thing in life: womanhood.' (226)

In the street, men speak without rhetorical device but with the dangerous desire for a sexual complicity. Here, the conversation among anonymous men engages Popeye's use of a corn-cob to sodomize Temple:

> 'They're going to let him get away with it, are they?' a drummer said. 'With that corn-cob? What kind of folks have you got here?'...
> 'College girl. Good looker. Didn't you see her?'
> 'I saw her. She was some baby. Jeez. I wouldn't have used no cob.' (234)

Besides mistaking the vested interests of the more ruthless political and criminal sectors of the overall legal institution in which he has held a comfortable, and inherited, wills and estates practice, Horace misjudges the speed with which his respectable society seeks to put a face, accurately or not, on sexual perpetrators, particularly also those who are alleged to commit class transgressions. These movements of legal identification, really a type of hasty political naming and containing, are effected with all the quiet efficiency that financial and political resources can bring to bear. The other aspect that belies this social containment, however, is the town's desire to punish real or suspected perpetrators while nearly all citizens share in the details and transgression fantasies of that same perpetration.

IV.

In the novels considered here, The Hamlet, The Wild Palms, The Mansion, and Sanctuary, Faulkner thus explores how the law, the living code of the land, shares dangerously in the defining, controlling, and even the violation of women as it misrepresents women through the legal language of contract and courtroom testimony and through the social positions constructed and enforced outside the court space. Faulkner is often accused of misogyny in his depictions of women. But in my view, he challenges misogynist presumptions by representing critically the violence done to women by male discourse, and by showing ways in which women subvert such discourse. While much work exists on Faulkner and women, there are no sustained considerations of the author's treatment of women at its most problematic, where women are faced with the most patriarchal of institutions: the law. Much work remains to be done on women and law in Faulkner (for example, how women such as Emily Grierson, Linda Snopes Kohl, Charlotte Rittenmeyer, and Nancy Mannigoe open up outlaw spaces in relief or redress of confining institutional structures). This chapter provides a basis for such work by establishing how crucial representations of women are to Faulkner's understanding of law.

CHAPTER SIX

THE COMPLEX ART OF JUSTICE:

LAWYERS AND LAW-MAKERS AS FAULKNER'S DUBIOUS ARTIST-FIGURES

> "'-but you're a lawyer; you don't think I got into this without reading a little law first myself, do you?'"
> -William Faulkner, The Town (1957)

Legal decisions and legal acts raise questions of their origins and intentions that several theorists have puzzled over, at least explicitly, since the American legal realists of the 1930s attempted to foreground law's failure, according to them, to address law's own premises. These questions frequently arise among legal critics and sociologists concerned with exploring how members of the legal profession know what the law is, how it comes into being through their words, and what the various legal authorities consider the law to represent. As Roberta Kevelson summarizes, some of these questions include whether or not judges make or find law, whether judicial decisions are law or merely applications of law, and whether laws genuinely exist as a force prior to the judicial decision that upholds it (79). In The Law As A System of Signs (1988), Kevelson discusses the complexities involved in the production of legal acts and decisions and, following Lawrence Friedman, discusses the ways by which legal acts may be considered both verbal and nonverbal: "even a legal environment such as a court which traditionally conveys its message through certain structural features that set it apart from everyday spaces and events" (103) may be considered a type of non-verbal legal act. Here, Kevelson equates a legal act with a legal message or signal and takes the positioning of individuals in the court space to convey meaning even prior to legal utterances. All legal acts, Kevelson points out, are special forms of messages, and legal speech acts (rules, decisions, commands) are messages directed outward to a general public or, if "jurisdictive," are signals exchanged between authoritative, official legal actors in legal spaces (103-05).

This last category of the jurisdictive concerns me in this final chapter: the world legal officials create between themselves through acts and signals. In many instances of his fiction, Faulkner implies a world of law buried within the community that creates itself and the various types of meaning that move out from that enclosed space. Such meaning expands to include all else within its domain. Faulkner's vision of law, then, is partly that of a self-enclosed hierarchy, of loops which create meaning with little contact with the external communal material and codes. As such, some aspects of law in Faulkner many be considered to comprise a closed, possibly autonomous system.

This chapter thus posits a different view of law's responsiveness and vulnerability to unexpected claims than that discussed in Chapter Four. These two chapters explore different aspects, different possibilities for Faulkner's conception of law; however, these accounts are not exclusionary to each other but rather expressions of the contradictions and multiple meanings that the author continually demonstrates law to signify: on the one hand, a world of law disrupted and changed by emotional claims external to institutional expressions and operations and, on the other hand, a world of law capable of endlessly, unaddressably reproducing conceptions of itself and, in turn, of the society beyond its immediate juridical space. In these different accounts of the relationship that law has with the world that it creates and changes, a reader can recognize Faulkner's continual working and reworking of representations of law as his own conceptual dynamic. In presenting law as a closed system, Faulkner also presents in Yoknapatawpha's formal system of law the potential for the autonomous machine. The author thereby explores the implications of the potential for this legal and political development far ahead of the recent semioticians and legal theorists who have recently considered autonomous theories of law. In the essay collection Autopoietic Law: A New Approach to Law and Society (1988), Gunther Teubner, for example, argues for the possibility of an autopoietic view of law, but explains some of the contradictions of such a view: the theory of legal autopoiesis "imports the logic of self-referentiality into the legal world. Legal autopoiesis breaks a taboo in legal thinking--the taboo of circularity

... forbidden by the iron law of legal logic" (1). Teubner draws on other theorists who suggest that the destruction of natural law concepts, the loss of a convincing universalism, the particularizing of political power, and the increasing relativization motivated by science have forced a significant shift in law: "law can no longer be founded on principles outside itself" (4), but instead requires, and thus sets up, the "self-referential character of pure procedural justice" (5).[1]

Of course, there is much scepticism about such accounts of emerging legal systems. In "Between Order and Disorder: The Game of Law," in the same essay collection, François Ost asserts that a program capable of programming itself is a logical impossibility. Ost, however, overlooks that one possible definition of ideology itself may be that of a program programming itself. Ost goes on to argue that a substitute paradigm for the autopoietic theory is that of the game (71). This notion retains "many of the ideas of the autopoietic theory (autonomy of the game, internal regulation, etc.) while balancing them through taking account of the player," whose strategies "cannot be reduced to implementation of a pre-established program" (71). The space between the objectivity of the self-regulated system and the unpredictable nature of the player's action comprises, according to Ost, "the space of the game" (71).

---

[1] For a very detailed and balanced discussion of how, for the legal positivist, "the Law of Law of a modern legal system can only find its grounding in its own positivity" (93), see Drucilla Cornell's The Philosophy of the Limit (1992), especially her chapter "The Good, the Right, and the Possibility of Legal Interpretation." Cornell argues that her "philosophy of the limit," a form of deconstruction, offers an alternative to such a view of the perpetuation of legal rules because it attempts to locate "the moment of ethical alterity in any purportedly self-enclosed system, legal or otherwise" (93). Elsewhere in her study, however, Cornell does analyze the ways that a system of law can threaten to become a machine (155-69).

The only examples of the lay person as legal player, as opposed to the colonized or helplessly misrepresented legal subject in Faulkner, however, are Fentry in "Tomorrow" and Flem Snopes in the Snopes trilogy. And given that Faulkner represents Snopes as either a mechanical man or a cryptic absence in his dealings with the community, a character who repeatedly uses the law to rise in power even as he evades the law in his exploitive business practices, Snopes emerges more as a modern legal mentality incarnate rather than the resistance to any such conscription. In fact, Snopes is as much an embodiment and beneficiary of law's operations as Stevens, the state's attorney. Only Fentry, then, would represent the uncolonized legal player in Faulkner. Accordingly, I read Faulkner to represent repeatedly a world of law that closes out the individual. Where law operates formally in Faulkner, after all, the official legal actors usually stand capable of producing coercive meaning and settled identities out of self-generated materials in the legal space. This chapter explores such Faulknerian instances and their implications. I balance the notion of the legal machine, however, against the notion of lawyer as artist-figure, or at least creative technician. Bleakly, the lawyer as artist-figure in Faulkner remains the player working within and for, not against, a self-generating system of law.

I.

Central to many lay persons' concerns about the operations of formal law is the sense that such operations are delicate and always shifting, sometimes dangerously, as modes of interpretation, but that legal proceedings are conducted indelicately by apparatus: that once the legal machine starts, only lawyers and other legal officials can work within its churnings as the literate technicians, inscribing on and against its mechanisms. Yet if law can be shaped and rechannelled while it proceeds, it also seems a strangely organic as well as merely procedural creation, encompassing always a collaboration of creators, all legally inventing, applying, reinterpreting for the benefit or detriment of those directly represented and those outside the court--society at large--who are affected by the creation. The lawyer may properly be seen as a deeply invested personal and political creator and not only the hired spokesperson of facts, evidence, statements, narrative, impressions, and carefully contrived arguments that eventually exist as artefacts on the record. This always complex and apparently paradoxical organic-mechanistic art of law, and not only of the artistry of words, logic, debate, and interpretations but of the completed and often compromised production of the judgement itself, occupies Faulkner in different ways through his writing career. Accordingly, the law as a highly technical art form and the lawyer as a curious artist-figure can be closely examined as one legal paradigm in his fiction in order to understand better some of the central tensions in Faulkner's view of law's productions and purposes. The recurrent notions of law in Faulkner and their surrounding issues--such as who can ever justifiably weigh the credibility of multiple and conflicting voices, what new accounts can successfully challenge entrenched evaluative hierarchies, and what unacknowledged elements determine the conditions and contexts that determine formal conditions and contexts--all may be productively interrogated to examine this author's presentation of the legal creation of social reality.

Whether one believes in the emergence of a self-generating model of law or not, the idea of the lawyer as resourceful generator of legal materials is widely held; the lawyer is the legal system's chief inventor, an ambiguous professional artist. The qualities of the artist common to the lawyer are various, but their transposition from the one identity to the other causes their distortion. Certainly refracted in the movement from the world of art to the arena of law, the qualities of creativity and interpretative force now serve to destroy as much as construct, hurt as much as heal, when at the disposal of a determined lawyer. And if legal arguments and techniques can be considered strange and curious works of art and artfulness, their creative aim concerns itself primarily, usually exclusively, with a narrow persuasion, seldom recognizing moral, ethical, philosophical or other such outside claims upon the works themselves. What a defense lawyer might call a "beautiful argument" which serves well the interests of his client may clearly be, even to the lawyer, morally and socially reprehensible in its implications. The lawyer, then, is the artist-figure with a difference, the willing creator of art forms possibly false in every manner but legally, the paid shaper of a craft that can destroy for its artistic success as well as body forth.

In this chapter, I take up certain sections and aspects of Sanctuary, The Town, The Wild Palms, Go Down Moses, and Requiem for a Nun in order to discuss Faulkner's representations of the sealed, self-generating nature of law, as well as the various inventions conjured by a range of fictional legal officials. Although it is arguably a reductive conflation to view "law" as genuinely operating in places where its expedient functionaries deal their way out of corners, work and invent their own way through law's maze of rules, I see concepts of law as inseparable from their representatives, no matter how marginal or momentary those representatives. Indeed, I define law here as that which legal officials do at different points in the official legal hierarchy. With such a definition, I see both H.L.A. Hart and Critical Legal Studies scholars in surprising agreement, though from opposite perspectives and to different purposes. A definition of law that exists somewhere beyond the acts and behaviour of legal officials, whether Supreme Court judges or backwoods deputies, certainly remains a promise of law, but one often unfulfilled.

II.

In many ways, Faulkner despairingly conceives of the productions, extensions, and applications of law as social, narrowly creative, never healing practices. In Sanctuary, for example, the law as a politically managed social force destroys a sense of community or the hope for convincing pursuits of justice. The trial demonstrates its own fraud as judicial enterprise, as well as exposes that the substance of what is being so vigorously tried exists wholesale and is endorsed throughout the society supposedly so outraged. In "Law in Faulkner's Sanctuary," Noel Polk observes that law in the novel is represented as a corrupt father, that the legal system is "a capricious set of lawyers, judges, legislators, policemen, jurors, preachers, and even Jefferson society, all of whom, like fathers, make laws and break them with impunity" (237). As with the generative powers of parents and artists, the legal power to create, in this case "make laws," is both self-affirming and dangerous, reckless in sheer creative range and resource, particularly when dealing, as law usually does, without a critical audience of any balancing power. Like a god, law creates in its own image, and what it creates has little voice to comment further. But while Faulkner's depiction of law throughout this work is certainly that of an unresponsive, unreachable authority, the nature of this authority's ambiguity and suppleness precludes thinking of it as a fixed monolithic construct. The fact that Goodwin and Popeye are both convicted for crimes not committed by them, though other crimes are theirs, instead indicates the dangerous indeterminacy--the decentred quality of both origin and destination--with which the instruments of law in Faulkner are prepared to write every time they function.

Sanctuary further explores the figurings of law and of justice as corrupted art forms in Yoknapatawpha, ones relying solely on the qualities of spectacle and not essence. Benbow's attempt to conduct a defense, to create through his own legal narrative the possibility for acquittal of the wrongly accused Lee Goodwin, fails to meet and counter-argue the claims of the District Attorney, Eustace Graham, a most artful attorney, an evoker of impressions hurtful and false to the defendant and flattering and fictional for the jury and observers. Graham stage-manages his case rather than trying it outright, depending on the production of effects more than the pursuit of evidence toward the establishment of facts. He creates his particular sense of theatre with the dramatic corn cob, a stunning visual prop and legal exhibit that Horace is not previously aware of because of Lee's unwillingness to speak of the facts of that night at the Old Frenchman's Place. In the court space, the bloodied cob is coordinated, in all its increasing sense of threat and illicit physical intrusion, with Graham's additional artful construction of "woman" as sacred object in the eyes of the court; his expert witnesses, the chemist and gynaecologist, are called to testify on "the most sacred affairs of the most sacred thing in life: womanhood" (226).

Two contradictions already inform Graham's strategy here, though they bolster instead of weaken his case. First, the expert witnesses are specialists in the scientific particulars of the body, yet are called to loan whatever support they can to the idea of woman as special space of mystified processes. The second contradiction is more subtle and follows from the success of the first: if the testimonies can "elevate" Temple to the status of a sacred object, they unwittingly erase in logic (though reinforce emotionally) the possibility that a crime has been committed, insofar as the profane object of the cob has violated the sacred object of woman. As the District

Attorney would probably be aware, however, there are no provisions under law for objects committing crimes against other objects.

The District Attorney's prosecution thus calibrates professional and emotional rhetoric with visual display in order to play to and upon audience. When examining Temple, "he caught her gaze and held it and lifted the stained corncob before her eyes. The room sighed, a long hissing breath" (229). As Graham plays to his house, he conjures himself as juridical avenger and also conjures his audience as outraged participants in justice as sexual morality play. Since law as ritual and ceremony, as Foucault has noted, historically relies on "the anger of the threatened people," (73), the District Attorney constructs dubious categories of morality, criminality, sexuality, and gender so that he can be enabled to act, invents extreme threat for a community of his own juridical construction so he can legislate against that original invention. Jefferson's willingness to be scripted as mobilized legal avenger is belied, however, by the male population's vicarious sexual self-imagining, their wish for substitution as Temple's violator: "'I saw her. She was some baby. Jeez. I wouldn't have used no cob'" (234). So law as the art of convincing communal construction in Sanctuary, let alone as the art of a possible justice, fails everywhere but in the courtroom, where the legal enterprise's own interests at this moment are subtly peddled as the community's.

Punished bodies, including Temple's, Lee's, Popeye's, and very nearly Horace's (when Lee's lynch mob momentarily threatens to dispose of the defense counsel), fill the novel. Foucault's ideas may be profitably explored further in the relationship of authority to the displayed, punished body in Sanctuary, since the visual centrepiece orchestrated by the District Attorney features Temple as violated, sexually punished female body. The relationship between the spectacle of the punished body and the rituals and power of law as shapers of a communal identity in early systems of punishment is explored in detail in Foucault's Discipline and Punish: The Birth of the Prison. In Temple's case, law itself does not punish her body but, by grandly staging her, attempts to reap the authoritarian benefits of violation and pain as spectacle.[2]

---

[2] While this reading reverses Foucault's historical categories of punishment, there has been some recent discussion of the ongoing strategic use of spectacular forms of punishment in eras and regions nonetheless dominated by surveillance. Foucault himself discusses how the spectacle of punishment declined by the beginning of the nineteenth century, and was transformed as a new legal and administrative practice, where punishment became a hidden part of the penal system and various modes of surveillance arose to ensure the production of power and power's subjects. In the South, however, the tendency for spectacles of punishment seems to have persisted. Robyn Wiegman argues that lynching forms a link between Foucault's distinctions of the earlier spectacle of public torture and later modes of authoritarian surveillance: "[b]ecause the terror of the white lynch mob arises from both its function as a panoptic mode of surveillance and its materialization

In his dissertation, "Faulkner's Men-at-Law: Storytelling and Courtroom Drama" (1989), Watson claims that for the Southern community, "most of whom were shackled to the soil and starved for entertainment of any kind, courtroom trials often served as an important pastime, something of a poor man's playhouse" (57). The notion of the lawyer as self-conscious performer, as public thespian on a stage, alternately playing to expectation and platitude and then shocking, testing limits of outrage and community standard, operates in Faulkner with the dual aims of juridical audience engagement and promised catharsis, but only if the outcome of the trial appears to sweep from the lives of the community the contentious issues. Any such appearance of a social, moral restoration in this particular trial is thorough illusion, however, as is made clear by Lee's own presumed copycat public sodomizing with a broom handle, as well as his subsequent burning and murder, by the mob (236).

The District Attorney's ability to conjure in the court also challenges the supposedly settled boundary of the court space itself. As an artist-figure, the lawyer here

---

of violence in public displays of torture and castration, the black subject is disciplined in two powerful ways: by the threat of always being seen and by the specular scene" (13). For a more detailed discussion of the ways that southern lynching fuses Foucauldian panoptic and corporeal modes of violence, see Wiegman, 37-41. In Sanctuary, the District Attorney cynically uses the courtroom spectacle of the violated female body to set in motion the punishment and spectacle of lynching.

dangerously, not productively, challenges the frame defining the space of his art. In the Jefferson mob response to Graham's narrative framing of Lee's alleged crimes, there occurs what Milner S. Ball discusses in his analysis of the social meaning of court space as the collapse of judicial theatre into legal saturnalia (46). The most distinguishing feature of legal saturnalia, according to Ball, is a "failure to distinguish between [legal] actors and audience" (56). The District Attorney's performance succeeds at just such a confusion: paradoxically painting a courtroom picture of communal solidarity, protectiveness, and masculine moral excellence that does not exist in Jefferson while inciting a murderous mob that rampages on cue, enacting itself contrary to the belief in its own discretion, conscience, and lawfulness believed only moments ago. Ironically, one of the supposedly important social functions and responsibilities of law is the disruption of the revenge cycle. Contrary to this conception of the chief responsibility of law, Sanctuary explores how the dynamics of insidious legal creation and false communal creation contrive to produce injustice and vigilantism as response. The successful lawyer in this novel is merely, and also powerfully, giving the audience what it wants, but only after manipulating its demand.

The complex question immediately arises, however, of what the extra-legal audience presumably wants. Does a public desire for justice pre-exist the juridical drama or does that drama produce the public desire it would seem only to address and satisfy? While provoking them, Sanctuary leaves open these pressing questions at the heart of its action and of legal culture generally.

The Faulknerian lawyer as artist-figure also takes on dangerous implications in The Town. The law and its workings in this novel become a mechanism equipped to invent itself for its own ends, as Gavin, as County Attorney, manufactures false evidence against Montgomery Ward Snopes. Stevens collaborates with the sheriff, Hub Hampton, and Flem Snopes, the embarrassed relative and rising businessman, to plant bootleg corn whiskey in Snopes' studio (173), out of which pornography is being viewed and sold to customers "two counties wide in either direction" (163). These two improvising legal authorities indicate how Faulkner can conceptualize "law" here as an increasingly ambiguous and self-inventing endeavour. Gavin's production of false evidence in the planting of the whiskey so that Jefferson will not be embarrassed by a criminal charge of illicit sexual material also marks the State's lawyer as moral fabricator as well as legal conjuror. Since Gavin's willingness to proceed legally against bootleg alcohol rather than pornography is an attempt to protect Snopes' almost endless list of male clients (some of them probably as influential as Gavin) and the collective reputation of

Jefferson, law strives in this account to reflect a legal and moral communal standard that is ungrounded in Jefferson's reality.

There results, then, an argument, a version calling for a reckoning, that is floating along authorizing itself for its own ends. Significantly, the law collaborates here with Flem Snopes, amoral, unscrupulous business venturist, against his embarrassing relative. The law is thus linked to Flem's business interests and emerges as its own type of vested interest on the part of its practitioners; Snopes' purposes become the law's. The business of law in this moment is the business of civic images--domestic, orderly, predictable--which best allow business to operate. Since even such easily manipulated desires as those found in the novel's disrupting images--the pornographic--challenge the predictable, and so the pathways of business, this material becomes urgently criminal at Flem's intervention, backed up by law, chiefly for the effect of safe-guarding his own progress as Jefferson's newly respectable entrepreneur. The pathways of private business and supposedly generalized law are now completely entangled in Jefferson, their interests each other's. And again, an impression of community and its standards is produced that does not reflect but exists in its own account.

As I have already mentioned elsewhere in this dissertation, Drucilla Cornell has argued that law is capable of becoming a type of machine. In her essay, "The Violence of the Masquerade: Law Dressed Up As Justice," Cornell claims that law is efficiently and dangerously automatic, automotive, autoinscriptive. In Faulkner's The Town, such a prospect of the self-winding machine which can operate entirely on its own logic offers increased complications to a consideration of the law and its resources of creative capacity, of the law as a potentially autonomous authority and its art of legitimacy and effects.

Gavin's production of illegality, after all, is for the law itself--here, a judge--as audience. By this I mean that while all the various legal functionaries involved may be considered to embody "law" at its various levels, the judge will rule on what the other functionaries may only claim to be law. Where law "is" here is uncertain, not just because of the obviously false evidence in this instance but because of the novel's insistence that law is what legal officials say. Ultimately it is this premise, defining yet also calling into question the definition of "law," that seems to me to represent Faulkner's most consistent approach to and handling of ideas of law in his fictional space.

Since Gavin and Hampton are the representatives of law in their immediate context, for example, their invention for a judge presents the unsettling proposition of the operations of the law, as legal officials authoritatively embody law in this moment, inventing entirely from the inside-out.[3] Whatever law is said or misrepresented to be here, it expands itself for the sole purpose of interaction between its own levels. Legal enterprise--as distinct from, but also perhaps indistinct from, law--now becomes not only self-winding but self-contained, sealed, as its artfulness produces itself for itself. The threat that Snopes' print pornography poses to the community may or may not exist and is certainly never evaluated in The Town. The danger that law poses, however, and not only particularly to the opportunistic pornographer Montgomery Snopes but to a community powerless to comment on, dissent against, or partake of its law's happenings, seems almost completely unaddressable as threat, beyond evaluation as presented in the novel. Invented in order to go on inventing, law as creator of social narrative possesses what Cornell sees as "the power of law to enforce its own premises as the truth of the system," thereby "eras[ing] the significance of its philosophical interlocutors, rendering their protest impotent" ("Masquerade" 1055). For Faulkner, too, there seems little prospect of writing back against the law's inscriptions in Jefferson.

---

[3] While my reading here partakes of a synecdochal collapse of the law and its functionaries, Faulkner seems consistent about the problem and perhaps impossibility of distinguishing between the two. Such collapses occur in not only The Town, but The Wild Palms, "A Rose for Emily," and Sanctuary, when Judge Drake, as private citizen, interrupts a trial in progress.

The law as represented in The Town, then, is indifferent to the community it still appears to serve. The creative legal enterprise to end Snopes' creative commercial enterprise--the photos--will invent what it has to in order to invent a fictional sense of order and place that the law can justify itself as existing to serve and protect anyway. Stevens is indeed partial artist and "forger" of his craft, for as the sheriff observes, declaring the law's suppleness and fixity through the medium of individual personality, power, and desire, "'You're the County Attorney.... You're the one to say what the law is before I can be it'" (161). While the transfer of falsely produced "law" through its expedient functionaries is apparent here, so also is the ultimate unlocatability of law as other than authoritative wish: "'You're the one to say what the law is...'" Like Colonel Sartoris in "A Rose for Emily," Faulkner demonstrates that Stevens can speak law and this utterance, these activities, become law in practise.

The depiction of law as fascinating fiction writing itself in order to write the world exists elsewhere in Faulkner. In The Wild Palms, the Tall Convict's additional penalty after his voluntary return to prison is an institutional fiction--that of the prison officials'--to account not for the Convict's unexpected, unhelpable absence during the Mississippi River's flooding, but his surprise return after being recorded as dead (327). The Convict's rescue of the pregnant woman and their heroic, lyric survival on the Mississippi are now violently recast by law, represented falsely with the approval of all, including the Convict. Faulkner again shows how systematic institutional rendering of theoretically acceptable possibilities takes primacy over lived realities, ones that are both factual and certainly more emotionally true than the official accounts. In fact, the reason for this particular legal imagining is to preserve the consistency of prison paperwork, the consistency and power of its initial misreading, rather than amend it to register shifts in the reality it purports and has the responsibility to be the record of:

> 'This man is dead.'
>
> 'Hell fire, he aint dead,' the deputy said. 'He's up yonder in the bunkhouse right now....'
>
> 'But he has received an official discharge as being dead. Not a pardon nor a parole either: a discharge. He's either dead or free. In either case he don't belong here.' (326-27)

With the addition of ten years for imaginary escape, a provision that the Warden calls "bad luck," then "hard luck" (331), the enactments in the name of the law become only a paper reality, a recording of the officials' will to perform such enactments so that they can create routinely what they deem necessary for "law" to rule upon. Clearly, this hasty bureaucratic creation as law (of law?) by its managers and interpreters functions as authoritarian justification only, not as justice nor as any genuine struggle with the burden of attempted representation. In fact, the deputy's rejected suggestion that they hold a mock trial to reconvict the Tall Convict, who because he is not dead must now be legally free, makes plain Faulkner's scepticism of the capacity for legal officials to stage law itself as a false production able to back up its large claims with mystifying ritual, dubious hoops and confident reference to its own range of processes: "'Just call twelve men in here and tell him it's a jury--he never seen but one before and he won't know no better--and try him over for robbing that train. Hamp [the sheriff] can be the judge'" (328). While the Tall Convict, comically enough, "won't know no better," the broader implication of the imitation of law here must lead us to ask, when is "law" not always an imitation of itself? When also is "law" not one's experience of it at the point of enforcement and application? While involving only minor, manipulative functionaries facing a maze of rules, this scene returns us to Faulkner's insistent concerns with the difference and the blurring between notions of dubious legal invention and legitimate legal presence, concerns I have already examined in "A Rose for Emily," "Smoke," "Monk," Sanctuary, and The Town.

The fact that a procedure of law must be created and wrongly applied to the returned Convict in order to get around another existing provision of law presents the force of law here as an irreversible and barely containable authority, which applies itself independently even of its own attendants, functionaries, spokespeople, and practitioners. The provisions of law thus swing free as a powerful block of language with which its handlers are powerless to work, where the only countermeasure is to create another powerful block of language to outmanoeuvre this one. Here "law" is the site where language confronts language. The official bureaucratic handling of what passes for (but also may amount to) law in The Wild Palms thus represents an instance where the evocations of "law" in Yoknapatawpha operate as a screen for a bureaucratic churning, invention, countering, and misfiring. Ironically, the notion of law that Faulkner plays with here presents what passes for the law as an expedient force capable of committing transgressions against the law itself, intentionally undercutting law in order to conserve the appearance of law.

Legal episode and dangerous fictiveness also intertwine in The Sound and the Fury, where the functionaries of law again create legal presence, this time creating a context for possible further operations of law. However, Quentin's farcical outdoor trial in the Justice of the Peace's makeshift court for wrongly alleged sexual misconduct with a minor suggests an added layer of dubious creation in law's imaginings of itself and the world. Faulkner indicates here that law can travel at will beyond the boundary of the individual self and appropriate one's interiority as a stage of operations. The law can invent the individual through and for its own performance. There being no incident whatsoever to substantiate an allegation against Quentin, the law, as embodied by the local sheriff, sees fit to assign intent to Quentin: "'He [the sheriff] aims to charge you with meditated criminal assault'" (109). In what again can be seen as an initially comic episode, law here nonetheless supposes for itself a pervasive, even transcendent, quality of "everywhereness" that can appropriate Quentin's inner life and recast it as a set of motives alien to him. Quentin's restitution payment to Julio, the girl's brother, and the sheriff (112)--really extortion to resolve the misrepresented matter--demonstrates his forced collaboration with the workings of the law, both to confirm its initial fictiveness and to avoid any more greatly damaging subsequent fictions and expanding contexts.

Law as artful creation that is always in a state of its own becoming emerges as insidious and increasingly problematic at this moment in the novel. If law has the self-legitimating authority to become coercive, duplicitous art form, sheer implicating artifice, then its self-creation and -reflexity can threaten misreadings upon the lives of its subjects and observers at will. While much meaningful art is ideologically, socially unsettling, law as invented, inventing form marshals more resources with more implications than the conceptual challenges posed by other art forms; law can reach from its canvas, off its stage, beyond the scene of its writing to damage its audience immediately. Displacing what set of social relations it chooses or is set in motion against, law works briefly but with a universally determining quality in *The Sound and the Fury*, as in *The Wild Palms*, "Spotted Horses," and *The Town*, to force individuals and situations into legal channels and contexts already prearranged, to make through its own brand of violence the presumed matter fit.

Faulkner consistently depicts law in Yoknapatawpha as omitting, editing, decontextualizing, and recontextualizing in such ways. The real force of law that he presents in his work is law's ability to transform entirely all that is available to it, to draw in whatever materials it needs to continue producing itself where it may.[4] When the Justice of the Peace threatens Quentin with some suddenly staged legal theatre, Quentin's restitution payment becomes both his participation in to the preliminary of a startling and dangerous "legal" show and also deposit for the privilege of an early exit.

---

[4] As Peter Fitzpatrick points out in *The Mythology of Modern Law* (1992), all is available to law. Discussing the deific (and circular) aspects law arrogates onto itself, he notes that

> law's omnipotence attributes to law not the ability to do everything but the ability to do anything. Law remains pervasive, able to intervene at any point but not intervening at every point.... [L]aw maintains its imperial and universal character against the particular. (57)

Although they are legally equipped creators of suspect realities, Faulkner's lawyers are sometimes pulled into the community events from which they strive to be distant. As detached intellectual, Gavin, for instance, occasionally trades the extravagant arrogance of the lawyerly voyeur for an imperfect, personal involvement. Consider Gavin's roles, characterized by abstracted speech and disengaged observation, but not action, in Light in August and Intruder in the Dust, and even as complacent listener to a second- or third-hand story about a beautiful and troubled romance in "Hair."[5]

In the title story from Go Down, Moses, in particular, Gavin's arrangement of a collection for the funeral of Samuel "Butch" Beauchamp (after his state execution for the murder of a Chicago police officer) dramatizes the pull of community events which involve the County Attorney individually. While not a central character in this work, in the sense that the circumstances of his life are not a pressing concern, Gavin certainly orchestrates and stage manages the action. He also controls the presentation of the official and unofficial language within the community by effortlessly blocking newspaper stories about the alleged murderer in deference to the grandmother: "'I have already talked with Mr. Wilmoth at the paper. He has agreed not to print anything'" (375). But Gavin's charitable production of the public funeral ceremony in "Go Down, Moses" becomes merely another Faulknerian construct of the empty image of community, a charade whose enactment destroys further rather than props up any fleeting hope for the possibility of the meaningful interaction of a collective:

---

[5] The lawyerly voyeur par excellence remains, of course, Dickens' Jagger in Great Expectations, but other curiously distanced legal observers, often remote from their own lives and communities, include the narrator of Melville's "Bartleby the Scrivener," David Wilson in Twain's Pudd'nhead Wilson, Clamence in Camus' The Fall, and Todd Andrews in John Barth's The Floating Opera.

> [T]hey followed the hearse..., circling the Confederate monument and the courthouse while the merchants and clerks and barbers and professional men who had given Stevens the dollars and half-dollars and quarters and the ones who had not, watched quietly from doors and upstairs windows, swinging then into the street which at the edge of town would become the country road....
>
> 'Come on,' [Stevens] said. 'Let's go back to town. I haven't seen my desk in two days.' (382-83)

In the staged hometown funeral, where Stevens has brought home an executed criminal's body, the County Attorney and City Editor provide a social narrative that nobody, not even perhaps Mollie Worsham Beauchamp, Butch's grandmother, believes representative of anything. As the stage master of "Go Down, Moses," Gavin--whom the narrator refers to in the midst of the charade of ceremony and community as "the designated paladin of justice and truth and right, the Heidelberg PhD" (382)--becomes a fiction-maker on the grandest scale, one capable of securing audience complicity by writing the entire town into a plot for which no one suspends disbelief. If the funeral represents anything significant in the life of Jefferson, it is merely that Gavin's procession, with its own accompanying newspaper stories (383), substitutes for the absence that characterizes the genuine response of the community: indifference to Samuel Beauchamp's death and so life. The false representation of a communal consideration standing in for the genuine absence of such concern thereby calls attention to the increasing ambiguity about the distance and distinctions separating the real and the represented and the potential for manipulation of this space by those, such as County Attorneys and City Editors, who are professionally invested in the reproduction and continuation of such images of communal solidarity. Although custodians of public representations in language and actions--representations of the public to itself--in the name of both order and place, County Attorneys and City Editors are also dependent for livelihood on the proliferation of images of the communal, whether true or false.

In "Crying in the Wilderness: Legal, Racial, and Moral Codes in Go Down, Moses," Thadious M. Davis observes that the spiritual, "Go Down, Moses," from which Faulkner takes his title, has "three levels of authority and sources of law affecting the lives of human beings": God (transcendental), Moses (moral representative), and Pharoah (319). At the lowest level of law, Pharoah is merely legal "ruler of the land and representative of the state" (313). Davis thus identifies Faulkner's linking of the law in his title piece to a deep history of moral wrong-doing, to oppression and a slavery into which the unfortunate and voiceless are sold. Several times Mollie Beauchamp makes this parallel within the story when she says that Roth Edmonds sold "'my boy.... Sold him in Egypt. Pharoah got him'" (371).

Her efforts to have Samuel "Butch" Beauchamp's body returned from Chicago rely on Gavin because "'you the Law'" (371). Mollie may or may not realize that she thereby casts Gavin with the forces of Pharoah, the ruler of the laws of land, property, individuals as commodity, and racial and social codes. Rather than gracefully papering over the possibly damaging issues surrounding the dead black criminal's social, psychological, and legal circumstances, the orchestrated funeral achieves exactly the opposite: the staging of its own and, by implication, Gavin's exposure, though the town continues to cling to its own social and racial formulizations. As Davis observes,

> the townspeople are mainly quite content to believe that somehow Butch is merely the bad son of a bad father, but not that the duality of legal, racial, and moral codes followed by their society and which persistently dehumanize blacks or undermine the ability of blacks to be or to do may be equally responsibly for what Butch becomes. (315)

The community has a sense of determinism, then, but one they try to frame as genetic rather than social. They will not acknowledge that their social structures have the power to shape and enforce identities, despite the charade enacted before their eyes which represents its own half-hearted attempt at communal construction. Despite his attempt to maintain all manner of distance from the meaning of Beauchamp's death, Gavin's identification as "the Law" (371) implicates him in the plight of Beauchamp, of the displaced black in dominant white society, and also implicates the County Attorney, though after the fact, in all the various uses and abuses of property, written and unwritten codes, laws, games and other puzzles haunting Go Down, Moses. As legal artist-figure, Gavin the narrativizing lawyer most contributes in this novel to the creation of comforting myths about social justice, and notably to the hegemonic community's continuing inability to account compassionately for rather than continue to construct a black presence against which the law and the powerful white community define themselves.

As artist-figures, lawyers also often attempt to revise and rework the law and justice already produced and existing. Requiem for a Nun (1951), Faulkner's sequel to his trial novel Sanctuary (1931), revisits some of the issues of that first novel as the characters of Requiem attempt to revise the processes and judgements of law in which they are embroiled. Requiem, which explores the conditions around Nancy Mannigoe's seemingly inexplicable murder of Temple (Drake) Gowan's baby, raises several interesting issues central to reading law as dubious art form. The novel-play attempts to set in motion against the administrative judgement of law the notion of love and forgiveness, the humane naked against the process. The art of law in this work seems itself illegitimate as a self-declared totalizing system that purports to address all conceivable matters of human conflict, error, and grievance. In *Requiem*, the art of law (the process) and art of justice (the ideal but also humane) instead seem unaccessible to each other, despite Gavin's last-minute attempt at intercession and petition:

> *Temple*: Wait. He said, No.
> *Stevens*: Yes.
> *Temple*: Did he say why?
> *Stevens*: Yes. He can't.
> *Temple*: Can't? The Governor of a state, with all the legal power to pardon or at least reprieve, can't?
> *Stevens*: That's just law. If it was only law, I could have pleaded insanity for her at any time.... (174)

So the workings of formal law in this instance mask the informal workings of community behind them: "[i]f it was only law...." Gavin's suggestion that the letter of law is backed up by social judgements and presumptions about Nancy as lower-class woman, black, and former prostitute, as well as, now, killer, underscores the unwritten community laws that cannot be successfully appealed. Custom, the supposed expression of *Volkgeist*, or the spirit of the people, fuels here the impulse of law, and law in this text is temporarily reconnected to the community, but only insofar as prevailing cultural conditions support the authoritarian impulses.

Since law cannot be turned back by emotional claims, such as Temple's attempt to write a letter seeking clemency for Nancy, and the Governor will proceed with death, law's fatal inscription will mark its socially and legally constructed subject, Nancy Mannigoe, despite Gavin's and Temple's own interventions. Ironically, the law cannot construct the terms of its own revision, the reconsideration of its own art, in this moment, though it can and continues to construct a social world. The reasons for the infanticide are unclear, but it seems committed as a desperate act of mercy--to save the baby from the world in which Nancy and Temple have had to live. This proposition, even if ultimately nihilistic, cannot be credibly philosophically pursued in the courts, however, because of their investment in upholding the social, political, gender and racial claims and power imbalances of such a world as it already exists, never formally acknowledging that for some individuals such a world traffics in personal and social despair as the inevitability of its structure. Like Morrison's careful and caring portrayal of the infanticidal Sethe in _Beloved_, _Requiem_ thus figures a double punishment of Nancy, first in her socially and racially constructed identity and secondly in the legal judgment on both her conformity to that construction (as perpetual victim) and her rebellion against it (as murderess prepared to kill and die for the statement of her pain). Like Butch Beauchamp in

"Go Down, Moses" and Morrison's Sethe, Nancy may be seen as first victim, then criminal, despite the law's own reordering identifications.

The initial attempts in Requiem to revise law's judgment, the final form of law's art, would suggest the hope of some of the characters that law is an organic and amorphous work itself, unfixed, responsive and changeable, subject always to experienced or concerned viewers' ongoing considerations. Requiem's action, however, is poised in the moment when all the characters become aware that this particular legal decision is final and fatal. The initial perceptions of possibility for recognition and revealing within the workings of law now seem only a misplaced hope, as Gavin, Temple, and Nancy discover here, as did Horace, Ruby, and Lee in Sanctuary, Mrs. Tull and Mrs. Armstid in the "Spotted Horses" section of The Hamlet, and, perhaps tellingly, Gavin himself early in his career in the short story "Tomorrow."

III.

Contrary to the possibilities of a responsive art form, Faulkner's conception of the law, as he develops it in the examples I have discussed here, does not seem to include hope and possibility, even after early points of beginning: no possibility for further comment, interpretation, readings. In particular, many of Faulkner's legal depictions seem to develop from the bleak and perhaps outraged view that law does not guarantee responsiveness and equality as the defining conditions of its own existence. Taken together, these texts despair of any point outside law that might ensure the law as an instrument responsive to a range of representations (Nancy's pain, Temple's appeal, for example). Rather, in these instances, the operations of law, as embodied in the actions and decisions of legal authorities at different levels of a hierarchy of law, effectively suggest a mechanical process that can, in moments, achieve its own autonomy, create its own momentum over and against individuals and the actuality of events. And, indeed, the general anxieties and politics that constantly swirl around the individual as legal subject, as abstract bearer of rights and duties, are always poised between the social inability to fulfil the dream of an entirely responsive jurisprudence and the social fear of entering into the nightmare of law as misrepresenting process. The risk of law as a dangerous art form, or, worse, as a system capable of creating itself endlessly through its art, through the production of the legal event, lies in the constant shaping of a reality in which we live entrapped after the reality's authorization as admissible version before the courts.[6]

---

[6] For an influential discussion of the judicial process and the concentration of American jurisprudence on that process, see H.L.A. Hart's "American Jurisprudence Through English Eyes: The Nightmare and the Noble Dream" in his Essays in Jurisprudence and Philosophy (1983). Hart

In "Terror and the Law," David A.J. Richards remarks that, at the Nuremburg war crimes trial known as "The Justice Case," the indictment of Nazi S.S. lawyers baffled one particular legal observer who saw these defendants as "'highly educated, professional men'" who had "'attained full mental maturity long before Hitler's rise to power'" and who had "'had special training and successful careers in the service of the law. They, of all Germans, should have understood and valued justice'" (171). Richards goes on to remark that "[i]ndeed, there is no aspect of the Nazi terror more incomprehensible, nor more offensive to an American lawyer...than the complicity of lawyers in the terror" (171). Yet legal complicity in terrifying social constructions is represented all through American literature, not the least of which includes Faulkner. Indeed, Faulkner seems to suggest that legal realities in his fictional universe--from _The Hamlet_ and _Intruder in the Dust_ to _The Sound and the Fury_, and _Go Down, Moses_, from _The_

---

argues that American jurisprudence oscillates between two accounts of what he calls the American judicial phenomenon: the Nightmare and the Noble Dream. Hart notes that the Nightmare version is often associated with the American Realist movement of the 1920s and 1930s (128) and that this version views "the judicial process as mere crypto-legislation" (127) through which judges can make the law while declaring themselves the impartial declarers of existing law. Hart's Noble Dream account sees judges as insightful interpreters who can always find the law and therefore perform acts of discovery, never acts of invention. While Hart sees American accounts of law beset by these two extremes of Nightmare and Dream, he also suggests that both are ultimately illusions.

Wild Palms to "Barn Burning," from Sanctuary and "Smoke" to "Tomorrow" and The Town--are all highly suspect, contrived, and often dangerous, a series of legal fictions only: fables of both legality and of the greater sensed reality outside juridical space.

CONCLUSION

SENTENCES THAT SUSPEND THE LAW

The questions of what "law" represents to Faulkner, what cultural aim or personal need he attempts to fulfil through his configuration of law and literature, and what exact purpose the various conceptions of law--legal rules, the force of custom, authoritarian whim, the pained search for fairness--serve in his imaginative community will, of course, always be productively open. Nonetheless, Faulkner, a tremendously unruly and frequently opaque author who often appeared compelled to write at the edges of what might be called control, came to rely on various imaginative representations of law for his own continuing literary invention. Indeed, law may have represented to Faulkner the definitive cultural expression of an order against which he vigorously defined much of his creative endeavours: countering with his technical and conceptual unruliness law's vision of order; resisting with his creation of narrative irresolution and uncertainty law's totalizing omnifocal closures; upsetting with his unpredictable authorial inventions and eccentricities law's stabilizing and normalizing functions. But in setting his literary narratives against the legal subjects and legal narratives from which he could not seem to turn away, Faulkner also reinscribes the cultural ascendency of what he attempts to undermine: both law's authority, not least its psychological claims on him, and the emerging cultural authority of the lawyer. In many ways, then, Faulkner, despite his cynical stance toward the social uses of law (or the uses to which law can be manipulated) fully participates in the ongoing American romanticization of the lawyer as a cultural figure of both institutional power and liberatory possibilities.

Above all, law remains undefined in Faulkner. It signifies contradiction, tension, and frustration. For although Faulkner steadily inscribes legal narratives and legal figures within his literary narrative, law operates officially, procedurally, and thereby "fully" in surprisingly fewer instances than might at first appear. Instead, law hovers. Law evades. "Law" emerges not so much as a maze of rules but as a form of heuristic social consciousness, often manifested as a struggling expression in the consciousness of his narrators and characters. And, I would argue, "law" most often performs in Faulkner as a type of sensed absence, as an overarching social consciousness, strangely disembodied, that exists apart from characters and events, preceding and transcending them. In this way I would argue that law for Faulkner partakes of the mythic, invoked as a valued social pattern and structure but unlocatable, absent, wished after. In Faulkner, "law" represents not the stable story but the fraught zone that the author regularly leads up to and away from but, above all, keeps mysterious and unknowable. Although there are many legal gatherings in the world Faulkner creates, "law" always seems to be somewhere else. Even when characters are "before the law," the events seem curiously either prior or post-law, as though law, while a perpetually interpellating ideology, is also somehow a discrete and precious temporal instance, an unreachable moment in which justice might be achieved.

Since Faulkner views law as capable of both propping up and tearing down the fixtures of culture and society, he continually wavers in the ways he presents the values and meaning of law precisely to the extent that he wavered on how to position himself in relation to the values and meaning of society itself. Productively and anxiously, Faulkner faces law from continually changing and contradictory positions just as he faced the politics and culture of his region. And, since Faulkner was intensely drawn to contradiction and paradox, as demonstrated throughout his writing, I would argue that a central cultural contradiction defining the continued production of American law held his largely romantic imagination as he engaged with his own notions of the law. For although law creates and ensures the symbolic and social order, the status quo, law also produces through legal education and experience those individuals both equipped and inclined through their training to challenge what law creates: as the intellectual products of legal training, numerous lawyers regularly challenge the social and political arrangements that law invents and protects, just as other lawyers support the legitimacy of such arrangements. That is, law continually produces its own ground but, ideally, assures the constant contestation of all that establishes that ground. I see such tension that defines the cultural production and contestation of law also imaginatively enacted throughout Faulkner's own texts in patterns of repetition and variation.

I.

I want now (as an important part of my conclusion) to discuss briefly _Absalom, Absalom!_ and _The Unvanquished_. They offer, respectively, subtle and blatant examples of this ongoing Faulknerian contention between forms of social enforcement and social exposure that intersect with an emerging consciousness of law. Notably, the operations of law itself are absent, even as self-conscious students of law but not formal law form the centre of each text. I thereby read "law" in these novels as a deep structure that conditions emerging mind and identity; in two very different novels that both deal with the burdens of cultural inheritance, young Southern men who happen to be law students are pushed by the intersection of cultural and family crises to recognize that they must either uphold or resist cultural patterns and practices as Southern sons and emerging legal officials. Most importantly, these novels explicitly foreground the legal characters' double consciousness of law's ability to bolster and level social structures and their myths. These characters thus directly reflect what I have argued is their author's dividedness regarding the meaning and social value of law. Since the novels also explore the emerging legal characters' own, often forced, participation in defending these social structures and practices, I would argue that these novels define law as the expression of psychological and cultural compulsions in individual lives even as the individual legal consciousnesses of the characters struggle against such compulsions.

Absalom, Absalom! is a complex example of the various ways that legal consciousness appears in Faulkner. The novel's brief analysis here can indicate, as this study draws to its close, some of the further ways that I claim Faulkner explores the consciousness of the power of law as a social force in itself, one subtly shaping characters. Beneath Quentin Compson and Shreve McCannon's shared narration of the events of Thomas Sutpen's life, the chief event motivating the historically distant action in Absalom!, is Sutpen's refusal to acknowledge his son, Charles Bon, because of Bon's mixed blood heritage. Some critics, such as Blotner (283) argue that Eulalia Bon Sutpen's hiring of an unethical lawyer to extract her and her son's social revenge against the brutally dismissive Thomas Sutpen is the most significant external influence in the fall of Sutpen's "design" to create a Southern dynasty. Private legal services here constitute retributive hidden plans, covert counter-designs to Sutpen's grandiose dynastic ambition.

Although such legal advice as Eulalia seeks has that Dickensian legal quality of conspiratorial hiddenness, of those never fully understood manoeuvres in badly lit chambers, the various pursuits of legal knowledge characterize the novel as a whole. In "Personae at Law and in Equity: The Unity of Absalom, Absalom!," (1967), for instance, Marvin K. Singleton argues that "the patterns of jurisprudential metaphor" in the novel, its recurrent "terms derived from advocacy, judging and legal history" (354), ironically fail the various narrators in their attempts to restrict the novel's ceaselessly expanding scope of improvisation, that is, the multi-layered narration's continual reach past what it can accurately represent in order to tell a "true" history of the South. Singleton argues that the novel both imitates and explodes adjudicatory structures (as, for example, when Rosa Sutpen adopts a pleading framework to put her narrative case before what Singleton takes to be an Equity court).[1] Her

---

[1] See Virginia Hlavsa's essay, "The Vision of the Advocate in Absalom, Absalom!" (1974), for an argument that accords with Singleton's.

"summons" to Quentin to attend her home, however, casts her metaphorically as an official legal figure herself, as she considers herself not only the plaintiff and self-appointed trier of all facts but, regarding Sutpen's presence in Yoknapatawpha, as she splendidly envisions her pain, "not mistress, not beloved, but more than even love; I became all polymath love's androgynous advocate" (146). Given the incalculable and unaddressable damage Sutpen has done to so many people, including his indirect role in Henry Sutpen's murder of Charles Bon, Singleton asserts that Rosa among others, does indeed meet the "prime requisite for equitable jurisdiction: the inadequacy of a remedy in an action at Law" (368).

This persistence of what appears to me a psychological legal structure in Absalom, Absalom! manifests itself beyond Rosa's suit against Sutpen, however. Significantly, Sutpen takes recourse to legal advice when he at one point consults Quentin's father as confidant and advisor on the supposed but unlocated structural flaw in his social, economic, genealogical "design" for Southern dynasty. Sutpen believes Compson, as lawyer, would presumably be prepared to locate any crucial errors in Sutpen's own social strategy and logic. The fact that Sutpen, a completely asocial man, chooses Mr. Compson as his "friend" out of all the Jefferson community indicates his own identification of lawyers as the keepers of society's secrets, of lawyers as that strange personal and professional mix of partisan confidentiality and neutrality. Sutpen's "friendship" with Compson, himself a socially removed and cynical man (as more fully demonstrated in The Sound and the Fury), probably exists only to the extent that Sutpen considers the withdrawn lawyer safely removed from the active sphere of the dynasty-builder's own ambitions and bound to a legal confidentiality, although their exchanges are social, not professional.

Most significant to the shaping presence but not active engagement of law in Absalom, Absalom! is the fact that Henry Sutpen and Charles Bon, the acknowledged and unacknowledged sons of Sutpen, are law students at the University of Mississippi. Henry, however, enrolls only after Bon has "corrupted Henry to the law also; Henry changed in midterm" (102). As students of law they are thereby also students of the official conflicts and contradictions in the organization of their society. It is precisely these larger racial and economic (ownership) tensions of Southern society that pit them against each other. Beyond the walls of the Ole Miss law school, from a class which "probably consisted of six others beside Henry and himself" (102), the unsuspecting half-brothers are thus inevitably divided by the social (and legal) Southern oppositions that, as prospective lawyers, they would either have had to prop up, wittingly or not, or openly defy.

Since their socially conscripted positions of defender (Henry) and defier (Charles) of the lingering economic, racial, and legal systems of the Old South emerge not in any future court of law, but in a heavily weighted, fatal confrontation at the gate of Sutpen's Southern plantation mansion, this plantation structure and the social premises it represents still obtain over and against any notions of formal law, and together operate as that other social ordering principle, that other compelling Southern law. In other words, formal legal study cannot prepare these characters for nor shield them from the divisive social compulsions enacted not only in their lives but on their bodies as part of their oppressive, apparently deterministic, Southern identities.

Law informs the novel, then, but as a structural background, a deep foundational element, rather than as part of the action. Although Bon's attendance at college is specifically to "meet" Henry in order to re-enter the house of the father and demand recognition, Faulkner's choice of the Faculty of Law as Bon's place of study may be influenced by the author's view of antebellum and early Reconstruction Southern society generally, with its enforced exclusions. Since Bon is cast as the racial and social outsider, the resentful son of such enforced exclusions, law school would afford him the education with which to challenge such arbitrary divisions in a changing South.[2] His mother's unnamed lawyer, after all, who may, ironically, merely be Shreve's narrative conjecture, a supposition himself (Singleton 360; Hlavsa 67), has the purely strategic abilities that Bon would clearly see to outmatch Sutpen's raw combination of headlong stamina and an extremely limited, unchanging strategy. As for Bon's relation to his mother's lawyer, Singleton goes as far to argue that Shreve posits "the New Orleans lawyer as a surrogate father" for Bon, one who "resembles Sutpen in his stilted, formalized way of writing and talking" (36). The lawyer, if he exists beyond a narrator's supposition,[3] would also resemble Sutpen, in Bon's eyes, in ruthlessness, but in a more socially acceptable and efficient ruthlessness, his legal "designs." Since Sutpen's chief characteristic is his compulsion to tie himself irrevocably to the formula, the "law," of his plantation design for racial and economic dynasty, the unnamed New Orleans lawyer, Charles Bon, Henry Sutpen, and Thomas Sutpen all become tied into the novel and to their relationships with each other through their various notions of what constitutes their differing views of "law."

---

[2] Charles Chestnutt's The House Behind the Cedars (1900) treats the same theme, as John Walden, the illegitimate mulatto son of a white South Carolina lawyer, is advised by a judge, his late father's friend, to attend a North Carolina law school.

[3] While answering questions at the University of Virginia in 1957, Faulkner said that this character did exist, that "there was a little lawyer there" (Gwynn and Blotner 77).

Bon's "corruption" (102) of Henry to law, his own chosen study, may then be motivated by more than the convenience of a strategic proximity to his classmate and unsuspecting half-brother. Since Bon is aware through observing and playing a major part in the indirect clash between Sutpen and Eulalia Bon's lawyer of the crushing forces of organized Southern society and the subverting potential in legal strategies, I would argue that his "corruption" of Henry to legal education represents a concerned, protective gesture for his half-brother. Bon may well see himself as positioning Henry to attain through law school the means for his own subsequent social survival, come what may of Sutpen's design, Bon's challenge to it, and Henry's anticipated reaction to the clash between his father and half-brother. The authority and respectable ruthlessness of law and its social and intellectual forms thus define this novel's action in significant part, though the mechanism of law does not ever engage formally, outright. Law hovers, conditions, and evaporates in Absalom, Absalom!

Faulkner uses law as a structural element to inform characterization and social presumptions but, again, not as official procedure in The Unvanquished. In this novel, nearly the entire Jefferson legal community attempts to contribute to the perpetuation of a blood feud. In what can be seen as only a parodic treatment of law, young Bayard Sartoris' own law professor offers him pistols to kill his lawyer father's murderer and former business partner, a lawyer himself. In this novel, Faulkner presents two long-standing Southern traditions, legal training and violence, entangling to give each other destructive momentum. The nineteenth-century Southern student of law, the novel implies, becomes most fully educated and legitimated when finally immersed in a world of (white) stylized violence and its attendant codes of honour, duels and frontier show-downs rather than by studying statutes in the law school. And such a world of Southern violence threatens to increase in legitimacy as it stretches to include legal authority figures theoretically opposed to these extra-legal resolutions.

Faulkner revises the structure of the frontier show-down and the theme of an ongoing family vengeance here, however, through the novel's youngest legal character, Bayard. Bayard's nearly suicidal decision to confront unarmed his father's armed killer, Redmond, after all, successfully ends the ritual of violence when Redmond cannot bring himself to kill the son of his former legal partner and immediately leaves Jefferson for good. Bayard's refusal of violence and vengeance affirms that he will powerfully contribute to new social forms as Mississippi itself slowly grows beyond its frontier roots and sanctioned feuds.

In The Unvanquished, representatives of law thus tear down and bolster both law and the cultural expressions opposed to law according to their generation. The legal fathers and father-figures endorse vigilante violence against the notion of formal law, while the law student's silent confrontation of an armed killer calls for a different accounting. Again, "law" here is a shifting social consciousness, a structure of mind and identity, rather than a formal system of rules. "Law" in the novel beautifully becomes a fragile personal assertion, a belief for which a law student stands quietly.[4]

Faulkner's interests in illustrating a regime of law sometimes divided against itself, sometimes divided against the culture over which it has jurisdiction, perhaps become clearer in such moments as I have traced here. My aim in pairing Absalom, Absalom! and The Unvanquished (two important Faulkner texts) has been twofold: to reinforce my argument that Faulkner uses "law" to represent significant moments and shifts of social consciousness in narrators and characters more than to signify a systematic configuration of rules; and at the same time to support my contention that, despite what I see as Faulkner's deep cynicism about formal law's purposes in conditioning and creating social formations, the author also sets forth a steady, although qualified, hope for productive legal resistance and transformation in the recurring figure of the law student. Indeed, Bayard in The Unvanquished and Henry, Bon, and perhaps Quentin himself in Absalom, Absalom! represent possibilities for new social registers mediated through an emerging legal consciousness even as these characters are caught up in the current social forces that threaten to overwhelm them and consume that hope. And notably, only Bayard, of these four law students, survives the crush of those forces.

---

[4] In his analysis of this strange and dangerous assertion of a new code, a new social understanding of law, Watson argues that in the last chapter (story) of The Unvanquished Bayard Sartoris, while in his final year of law school, has managed simultaneously to acknowledge and repudiate "both of the forensic fathers who have imposed their wills upon his existence" (12). By halting the repetition of violence in this emerging (forensic) feud pattern, Bayard, according to Watson, morally begets himself, enters into a full legal and social authority without either violently contending against or bowing to previous forms of that authority. Bayard thus establishes himself as the next representative of written and unwritten laws, according to Watson, by "leapfrogging the symbolic covenant" (13).

The possibilities inherent in such emerging legal consciousness are nonetheless important to Faulkner, as evinced by the number of law students appearing in his fiction. I will turn now to discuss the final topic to occupy me here, one that represents the residing hope in the world of law Faulkner constructs: the idea of the Southern legal child. The Southern legal child is a figure of consciousness in Faulkner whose views and personality have been shaped by intense, usually traumatic experience with or observation of legal representatives and the operations of law. Consistently overlooked in traditions of literary criticism, the idea of the Southern legal child nevertheless informs characters created by a number of Southern writers: Twain's Huckleberry Finn, Chestnutt's John Walden, and Harper Lee's Louise "Scout" Finch, to name three. In Faulkner, the idea of the Southern legal child appears most fully in Chick, though Bayard Sartoris and indeed Gavin Stevens (as Judge Stevens' son) are also instances of characters shaped comparatively early in their social development by an intense legal consciousness, the imposition or sudden awareness of a world structured by law. And in an important sense, Faulkner represents the Southern legal child himself, both as a condition of his family's involvement with law and as demonstrated by his continual playing out of unjust law from a variety of perspectives but also, I would argue, through usually outraged eyes. To discuss the idea of the Southern legal child here is to conclude with the view that Faulkner structures a subtle hope for resistance and transformation in his usually bleak representations of a legal world. The idea of the Southern legal child also indicates Faulkner's own turn toward rather than away from the South.

II.

Unlike many critics, who find everywhere in the acts and informal exchanges of Faulkner's speakers and characters reassuring correctives to the community's failing or failed legal formalities, I see such recuperation only in what Watson rightly identifies as the possibility of future legal acumen and social insight in the person of Charles (Chick) Mallison, Stevens' nephew (133-38).[5] The hopeful notion of a legally shaped, self-aware, and socially questioning consciousness finds its embodiment in this character. Optimistically, Faulkner's presentation of this communally engaged, legally aware youth works as the emerging counterbalance to the depiction of law as failed, distant, or the nearly hermetically sealed instrument of special interests. As Watson points out throughout his discussion, Mallison is characterized consistently as the intense listener to Yoknapatawpha folklore and both the central and obscure points of the region's genealogy, history, and politics, as usually conveyed in discussions with his uncle. Chick also observes a multitude of crisis moments, sometimes performs as a self-appointed amateur detective, and finally, and most significantly, appears as a third-year Southern law student. Certainly Stevens' legal and social influence on

---

[5] Even as he makes this recognition Watson nevertheless is among those critics who constantly discover in Faulkner's works reassuring correctives to communal and legal failure. This tendency also characterizes readings by Vickery (The Novels of William Faulkner), Waldrep ("William Faulkner, Robert Penn Warren, and the Law"), and Schlepper ("Truth and Justice in Knight's Gambit).

Chick has been substantial, and in Intruder in the Dust, where a lynching is narrowly averted, the nephew begins to challenge intently his uncle's views on a shifting communal accountability; that is, Chick at an early age begins to interrogate for himself the social and legal limits that the hegemonic community sets for itself, but ultimately ignores when convenient. In Intruder, Stevens takes up, or at least is placed in, the untenable position of defending the Southern white community's attitudes on race to the fourteen year-old Chick, who has seen a lynch mob form, then quickly evaporate only when his own covert and illegal efforts--grave-digging--have produced irrefutable evidence of Lucas Beauchamp's innocence. In so challenging both his community's practices and Stevens himself (the social, legal, and, particularly to Chick, patriarchal authority in Jefferson), the nephew signals his own independent movement toward thinking about and acting in the Southern world of written and unwritten laws, a world his uncle in part has undeniably created.

Certainly Chick's attitude toward engaging that world seems more radical and risk-taking than his uncle's. Chick's quality of frequent questioning directly reflects the extent to which Faulkner intends him as a character who will attempt to bring change to that world. In this regard, Chick is the young Southern legal insider who views the community already from the outside. Less hopefully, however, this idealism may only suggest the extent to which he has been sheltered deeply inside a particular world of privilege and power, self-enclosed like law itself. Even more significantly, Chick's is also a world of language. In it, legal narratives are constantly converted to--and perhaps diffused as--stories unfolding outside the formal legal spaces and away from the raw events occasioning the narratives. But, since shaped almost entirely in a world of story, Chick's social and legal idealism and both his and their durability are largely untested. His legal idealism still exists only as the privileged product of distant observation and verbal encounters with his uncle. Here Chick's views about events that are already captured if not entirely settled in his uncle's language are comfortably asserted and contested. Significantly, Chick does not, except in Intruder, face immediate, linguistically and institutionally unmediated events themselves, for himself. Since Chick's world has been an intensely, self-consciously verbal one and the sparring with his County Attorney uncle is usually conducted in his or his uncle's comfortable home (sometimes over real and metaphoric chess games, as in "Knight's Gambit"), his idealism is entirely undefined by the pressures, especially legal ones, that experience alone will bring. And certainly Faulkner has always treated rarefied idealism contemptuously. Since Faulkner's last characterization of Chick represents him as poised to graduate from the University of Mississippi law school, the meaning of his entry into the world of law is undefined. While Chick's social and career options presumably are many, Faulkner falls silent in any further development of this particular, promising lawyer-character.

Yet the implication of the idea of the Southern legal child in Faulkner is that this character has learned much of what seems most important about legal and social structures experientially, informally, prior to entering adult institutional structures. For these formal structures, in the turn-of-the-century and early-twentieth-century South at least, would only contribute to and further make possible the social fiction of the rule of law in a region thoroughly committed to systemic transgressions and massive resistance to the rule of law. As the most recurring legal child in Southern literature, whose development toward the practice of law has seemed inevitable, Chick is both the child of multiple father-figures--his father, his lawyer uncle, and in some ways Lucas Beauchamp--and at once an institutionally and independently shaped individual. While Watson argues that Gavin has spoken to his nephew so much and so intently as to have influenced not only the content of his mind over the years but the structures of his thinking (110, 127, 138), Faulkner's own suspension of Chick as a practising Southern lawyer leaves the value of all Gavin's talk and the potential of all Chick's future talk entirely unresolved.

Both compelling and frustrating, such irresolution is, I would argue, entirely consistent with the instability of "fact" in Faulkner's works--an instability that Yoknapatawphan law often struggles, and always fails, to overcome.[6] The uncorroborable nature of many of Faulkner's fictional "facts" is especially significant in that this authorial withholding allows the multiplication of meaning and interpretations to exist beside the great number of legal figures, forensic symbols and courtroom rituals in his work. Faulknerian narrative plays havoc with the supposedly attainable conditions of legal narrative. But while both share strong qualities of orality, of language as performance, Faulknerian narrative, as opposed to legal narrative, does not endeavour or pretend to close itself.

---

[6] In Faulkner, procedures, fact-finding, and empiricism almost always seem doomed, as the host of crucial but ultimately uncorroborable moments in his work will attest, moments which many critics either impose fact upon or proceed with as fact. These interpretatively unclosable moments are many: the actual personal circumstances and motives of Sutpen's drive for power; the status of the accusation in "Dry September;" the legal circumstances of the killing of Joanna Burden in Light in August (Duvall argues that Joe is justifiably killing his own attempted murderer and quotes a 1898 and an 1903 pair of Mississippi acquittal judgements in complicated self-defense cases to contextualize his argument [23]); the complete unlocatability of Joe Christmas in the society's categories of race; the never resolvable details determining the likely legal deal allowing Temple Drake to be saved from cross-examination in Sanctuary; the truthfulness of Quentin's claim to have committed incest in The Sound and the Fury; and, as perhaps only Terry Heller has pointed out, the remote (though playful) possibility that it is not Homer Barron's body in Emily Grierson's bed, or if so, that he was not necessarily poisoned by her ("Tell-tale Hair" 315-16).

III.

This dissertation has taken up the various possible meanings of the notions of law present in Faulkner's rendered world. One of the main aims of this study has been to outline in some detail the frequent and subtle Faulknerian returns to ideas and figures of law that, to date, have received so little attention. No critic, for example, has identified the various expressions of an insistent legal consciousness that I argue not only characterizes but consistently a great deal of Faulkner's fiction. Legality and legal consciousness form a relatively undiscovered aspect of Faulkner's own complicated textuality. To puzzle out what Faulkner means by "law," however, has been the more complicated aim of this study. I have stressed that Faulkner does not view law in a conventional manner, that is, as a relatively stable system of rules administered by relevant officials, but rather as a ceaselessly changing concept that eludes categorization even as it creates master categories. As Faulkner's representations of "law" thereby vary, the notions of what law means becomes inseparable from how law is experienced. In keeping "law" unfixed, Faulkner creates not only numerous representations of authorized and/or oppressive social force, various accounts of social history, and particular forms of reflective consciousness through which to view a world, but also a vast range of subject positions that are constantly structured by and structuring ideas of "law." Law thereby comes about in Faulkner unpredictably: at points of enforcement; in moments of individual insight; as expressions of private guilt within public systems; and, least quantifiable, as wishes, personal assertions, and statements of belief.

In addition to pursuing an inexplicably neglected subject in Faulkner studies, the dissertation has found much of its inspiration in equally overlooked Faulkner stories, especially those of the *Knight's Gambit* collection, and overlooked aspects of the major works themselves. In a double motion, then, this study has attempted to widen further the already considerably expanded world of Faulkner criticism. As a law-in-literature undertaking, the dissertation attempts to broaden understanding of Faulkner while gesturing toward the considerable ways that notions of historical law and forms of legal consciousness have shaped Southern literature as a whole. To date, most critical, historical, and cultural attention on law in American literature has been lavished on nineteenth-century New England, on the rich law and literature configurations shaping the American Renaissance. One of the most important functions of my study has been to establish some of the basis that opens another site of contest and contention between American legal and literary narratives.

There are, of course, many other aspects still worth exploring in Faulkner's constant returns to law. The work that remains to be done includes a more explicit exploration of Faulkner's treatment of time and temporal ordering and that of law's transcendence and legal recreation of time: how, for example, do law and Faulkner create history in different and similar manners? how do they each enlist and discredit memory, whether individual or cultural? how do law and Faulkner each insist, but differently, that the past is always in the present?

Certainly other major and fruitful questions relating to the topic of law and Faulkner exist. For now, however, this study stands both as the completion of an examination of a particular author and as the departure point for a future, broader study of the ways that literary and legal narratives compete with and compound each other in the Southern context.

Bibliography

Ash, Stephen V. "Poor Whites in the Occupied South, 1861-65." The Journal of Southern History 57.1 (Feb. 1991): 39-62.

Auden, W.H. Collected Poems. Ed. Edward Mendelson. London: Faber & Faber, 1976.

Ball, Milner S. The Promise of American Law: A Theological, Humanistic View of Legal Process. Athens: U of Georgia, 1981.

Benson, Robert W. "How Judges Fool Themselves: The Semiotics of the Easy Case." In Law and Semiotics Vol.2. Ed. Roberta Kevelson. New York: Plenum Press, 1988.

Bleikasten, André. The Ink of Melancholy: Faulkner's Novels from The Sound and the Fury to Light in August. Bloomington: Indiana U P, 1990.

Blotner, Joseph. "William Faulkner: Author-At-Law." Mississippi College Law Review 4.2 (1984): 275-86.

Cash, W.J. The Mind of the South. New York: Vintage, 1941.

Chakovsky, Sergei. "Women in Faulkner's Novels: Author's Attitude and Artistic Function." In Faulkner and Women. Ed. Doreen Fowler and Ann J. Abadie. Jackson: U P of Mississippi, 1986. 58-80.

Chappell, Charles. "The Memphis Lawyer and His Spine: Another Piece in the Sanctuary Puzzle." Essays in Literature 13.2 (Fall 1986): 331-38.

Clarke, Deborah. "Gender, Race, and Language in Light in August." American Literature 61.3 (Oct. 1989): 398-413.

---. Robbing the Mother: Women in Faulkner. Jackson: U P of Mississippi, 1994.

Coleman, Rosemary. "Family Ties: Generating Narratives in Absalom, Absalom!" Mississippi Quarterly 41.3 (Summer 1988): 421-31.

Cornell, Drucilla. The Philosophy of Limit. New York: Routledge, 1992.

---. "The Violence of the Masquerade: Law Dressed Up As Justice." Cardozo Law Review 11 (1990): 1047-1064.

Cover, Robert M. "Nomos and Narrative." Harvard Law Review 97.1 (1983): 4-68.

---. "Violence and the Word." The Yale Law Journal 95 (1986): 1601-29.

Crews, Frederick. The Critics Bear It Away: American Fiction and the Academy. New York: Random House, 1992.

Davis, Thadious M. "Crying in the Wilderness: Legal, Racial and Moral Codes in Go Down, Moses." Mississippi College Law Review 4.2 (1984): 299-318.

Davis, Angela. "Rape, Racism, and the Myth of the Black Rapist." Women, Race, and Class. New York: Random House, 1981.

De L. Landon, Michael. The Honor and Dignity of the Profession: A History of the Mississippi State Bar: 1906-1976. Jackson: U P of Mississippi, 1979.

Deleuze, Gilles. Masochism: Coldness and Cruelty. New York: Zone Books, 1991.

Doerner, William G. "The Index of Southernness Revisited." Criminology 16:1 (May 1978): 47-65.

Duvall, John N. Faulkner's Marginal Couple: Invisible, Outlaw, and Unspeakable Communities. Austin: U of Texas P, 1990.

---. "Silencing Women in 'The Fire and the Hearth' and 'Tomorrow'." College Literature 16 (1989): 68-79.

Dworkin, Ronald. "Law and Interpretation." Texas Law Review 60: 527 (1982).

---. Law's Empire. Cambridge and London: Harvard U P, 1986.

Ely, Jr., James W. and David J. Bodenhamer. "Regionalism and the Legal History of the South." In Ambivalent Legacy: A Legal History of the South. Ed. David J. Bodenhamer and James W. Ely, Jr. Jackson: U P of Mississippi, 1984. 3-29.

Erlanger, Howard S. "Is There a Subculture of Violence in the South?" Journal of Criminal Law and Criminology 66 (1975): 483-90.

Faulkner, William. Absalom, Absalom! New York: The Modern Library, 1964.

---. Collected Stories. New York: Vintage, 1977.

---. Go Down, Moses. New York: Vintage, 1973.

---. The Hamlet. New York: Vintage, 1964.

---. Intruder in the Dust. New York: Vintage, 1972.

---. Knight's Gambit. New York: Vintage, 1978.

---. Light in August. New York: Vintage, 1972.

---. The Mansion. New York: Vintage, 1959.

---. Requiem for a Nun. Middlesex: Penguin, 1960.

---. Sanctuary. Middlesex: Penguin, 1980.

---. The Sound and the Fury. New York: Random House, 1956.

---. The Town. New York: Vintage, 1961.

---. The Unvanquished. New York: Vintage, 1966.

---. The Wild Palms. New York: Vintage, 1966.

Ferguson, James. Faulkner's Short Fiction. Knoxville: U of Tennessee P, 1991.

Ferguson, Robert A. "Law and Lawyers in Faulkner's Life and Art: A Comment." Mississippi College Law Review 4.2 (1984): 213-16.

---. Law and Letters in American Culture. Cambridge and London: Harvard U P, 1984.

Fish, Stanley. Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies. Durham and London: Duke U P, 1989.

Fitzpatrick, Peter. The Mythology of Modern Law. London: Routledge, 1992.

Foucault, Michel. Discipline and Punish: The Birth of the Prison. Trans. Alan Sheridan. New York: Vintage Books, 1979.

Fowler, Doreen. Faulkner's Changing Vision: From Outrage to Affirmation. Ann Arbor MI: UMI Research P, 1976.

Freyer, Tony A. "Law and the Antebellum Southern Economy: An Interpretation." In Ambivalent Legacy: A Legal History of the South. Ed. David J. Bodenhamer and James W. Ely, Jr. Jackson: U P of Mississippi, 1984. 49-68.

Friedman, Lawrence M. "The Law Between the States: Some Thoughts on Southern Legal History." In Ambivalent Legacy: A Legal History of the South. Ed. David J. Bodenhamer and James W. Ely, Jr. Jackson: U P of Mississippi, 1984. 30-46.

Gordon, Robert. "Critical Legal Histories." In Critical Legal Studies. Ed. Allan C. Hutchinson. New Jersey: Rowman and Littlefield, 1989. 79-103.

Gwinn, Minrose C. The Feminine and Faulkner: Reading (Beyond) Sexual Difference. Knoxville: U of Tennessee P, 1990.

Gwynn, Frederick L. and Joseph L. Blotner, eds. Faulkner in the University: Class Conferences at the University of Virginia, 1957-1958. New York: Vintage, 1959.

Hall, Kermit L. "The 'Route to Hell' Retraced: The Impact of Popular Election on the Southern Appellate Judiciary, 1832-1920." In Ambivalent Legacy: A Legal History of the South. Ed. David J. Bodenhamer and James W. Ely, Jr. Jackson: U P of Mississippi, 1984. 229-55.

Harris, Trudier. Exorcising Blackness: Historical and Literary Lynching and Burning Rituals. Bloomington: Indiana U P, 1984.

Hart, H.L.A. The Concept of Law. Second edition. Oxford: Clarendon Press, 1994.

---. "American Jurisprudence Through English Eyes: The Nightmare and the Noble Dream." Essays in Jurisprudence and Philosophy. Oxford: Clarendon Press, 1983.

Heller, Terry. "Mirrored Worlds and the Gothic in Faulkner's Sanctuary." *Mississippi Quarterly* 42.3 (Summer 1989): 247-59.

---. "The Telltale Hair: A Critical Study of William Faulkner's 'A Rose for Emily'." *Arizona Quarterly* 28.4 (Winter 1972): 301-18.

Hlavsa, Virginia V. "The Vision of the Advocate in *Absalom, Absalom!*" *Novel* 8.1 (1974): 51-70.

Holton, Robert. "Bearing Witness: Toni Morrison's *Song of Solomon* and *Beloved*." *English Studies in Canada* 20.1 (March 1994): 79-90.

Horwitz, Morton J. *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy*. New York: Oxford U P, 1992.

Irwin, John T. *Doubling and Incest / Repetition and Revenge: A Speculative Reading of Faulkner*. Baltimore: John Hopkins U P, 1975.

---. "*Knight's Gambit*: Poe, Faulkner, and the Traditions of the Detective Story." *American Quarterly* 46.4 (Winter 1990): 95-116.

Kennealy, Peter. "Talking About Autopoiesis--Order From Noise?" In *Autopoietic Law: A New Approach to Law and Society*. Ed. Gunther Teubner. Berlin: European Univ. Institute, 1988. 349-68.

Kenner, Hugh. "Faulkner and the Avant-Garde." In *Faulkner: New Perspectives*. Ed. Richard H. Brodhead. Englewood Cliffs, N.Y.: Prentice-Hall, 1983. 62-73.

Kevelson, Roberta. *The Law as a System of Signs*. New York: Plenum Press, 1988.

Kidd, Millie M. "The Dialogic Perspective in William Faulkner's *The Hamlet*." *Mississippi Quarterly* 44.3 (Summer 1991): 309-19.

King, Richard H. "Anti-Modernists All!" (1991). *Mississippi Quarterly* 44.2 (Spring 1991): 193-201.

Kramer, Matthew H. *Legal Theory, Political Theory, and Deconstruction: Against Rhadamanthus*. Bloomington and Indianapolis: Indiana U P, 1991.

Matthews, John. *The Play of Faulkner's Language*. Ithaca and London: Cornell U P, 1982.

Millgate, Michael. "Undue Process: William Faulkner's Sanctuary." In Rough Justice: Essays on Crime in English Literature. Ed. M.L. Friedland. Toronto: U of Toronto P, 1991. 157-69.

Moreland, Richard C. Faulkner and Modernism: Rereading and Rewriting. London: U of Wisconsin P, 1990.

Mortimer, Gail. Faulkner's Rhetoric of Loss: A Study in Perception and Meaning. Austin: U Texas P, 1983.

Norris, Christopher. Paul De Man: Deconstruction and the Critique of Aesthetic Ideology. New York and London: Routledge, 1988.

Orth, John V. "The Virginia State Debt and the Judicial Power of the United States." Ambivalent Legacy: A Legal History of the South. 106-22.

Ost, Francois. "Between Order and Disorder: The Game of Law." In Autopoietic Law: A New Approach to Law and Society. Ed. Gunther Teubner. Berlin: European Univ. Institute, 1988. 70-96.

Polk, Noel. "Law in Faulkner's Sanctuary." Mississippi College Law Review 4.2 (1984): 227-43.

---. "'I Taken an Oath of Office Too': Faulkner and the Law." Fifty Years of Yoknapatawpha. Ed. Doreen Fowler and Ann J. Abadie. Jackson: U Mississippi P, 1980.

Pothier, Jacques. "Jefferson, From Settlement to City: The Making of a Collective Subject." William Faulkner: Materials, Studies, and Criticism 6.1 (May 1984): 36-56.

Richards, David A.J. "Terror and the Law." Human Rights Quarterly 5 (1983): 171-185.

Roberts, Diane. Faulkner and Southern Womanhood. Athens: U of Georgia P, 1994.

---. "Ravished Belles: Stories of Rape and Resistance in Flags in the Dust and Sanctuary." The Faulkner Journal 4.1 and 2 (Fall 1988 and Spring 1989): 21-35.

Samway, Patrick, S.J. "Gavin Stevens as Uncle-Creator in Knight's Gambit." In Faulkner and Idealism: Perspectives from Paris. Eds. Michel Guesset and Patrick Samway, S.J. Jackson: U P of Mississippi, 1983. 144-63.

Sartoris, Brenda Eve. "Cornbote: A Feudal Custom and Faulkner's 'Barn Burning'." Studies in American Fiction 11.1 (Spring 1983): 91-94.

Schlepper, W.E. "Truth and Justice in Knight's Gambit." Mississippi Quarterly 37.3 (1984): 365-75.

Schwartz, Lawrence H. Creating Faulkner's Reputation: The Politics of Modern Literary Criticism. Knoxville: U Tennessee P, 1988.

Singleton, Marvin K. "Personae at Law and in Equity: The Unity of Faulkner's Absalom, Absalom!" Papers on Language and Literature 3.4 (Fall 1967): 354-70.

Smead, Howard. Blood Justice: The Lynching of Mack Charles Parker. New York: Oxford U P, 1986.

Snead, James. Figures of Division: William Faulkner's Major Novels. New York and London: Methuen, 1986.

Smith, Albert C. "'Southern Violence' Reconsidered: Arson as Protest in Black-Belt Georgia, 1865-1910." The Journal of Southern History 51.4 (Nov. 1985): 527-64.

Smith, Joan. "Crawling from the Wreckage." In Misogynies. London: Faber and Faber, 1989.

Snell, Susan. "Phil Stone and William Faulkner: The Lawyer and 'The Poet'." Mississippi College Law Review 4.2 (1984): 169-192.

Stonum, Gary Lee. "Faulkner's Last Phase." In Faulkner: New Perspectives. Ed. Richard H. Brodhead. Englewood Cliffs, N.Y.: Prentice-Hall, 1983. 195-207.

Sundquist, Eric J. Faulkner: The House Divided. Baltimore: John Hopkins U P, 1983.

Tanner, Laura E. "Reading Rape: Sanctuary and The Women of Brewster Place. American Literature 62.4 (December 1990): 559-82.

Teubner, Gunther. "Introduction to Autopoietic Law." In Autopoietic Law: A New Approach to Law and Society. Ed. Gunther Teubner. Berlin: European Univ. Institute, 1988. 1-11.

Thomas, Brook. Cross-examinations of Law and Literature: Cooper, Hawthorne, Stowe, and Melville. Cambridge: Cambridge U P, 1987.

Trouard, Dawn. "Eula's Plot: An Irigararian Reading of Faulkner's Snopes Trilogy." *Mississippi Quarterly* 42 (1988-89): 281-97.

Unger, Roberto. "Liberal Political Theory." In *Critical Legal Studies*. Ed. Allan C. Hutchinson. New Jersey: Rowman and Littlefield,, 1989. 79-103.

Urgo, Joseph R. *Faulkner's Apocrypha: A FAble, Snopes, and the Spirit of Human Rebellion*. Jackson and London: U P of Mississippi, 1989.

---. "Temple Drake's Truthful Perjury: Rethinking Faulkner's *Sanctuary*." *American Literature* 55.3 (Oct. 1983): 435-44.

Vickery, Olga. *The Novels of William Faulkner: A Critical Interpretation*. Baton Rouge: Lousisiana State U P, 1964.

Volpe, Edward L. "'Monk': the Detective Story and the Human Heart." *Faulkner Studies* 1 (1980): 86-90.

Waldrep, Christopher. "William Faulkner, Robert Penn Warren, and the Law." *Southern Studies: An Interdisciplinary Journal of the South* 2.1 (Spring 1991): 39-50.

Watson, James Gray. *The Snopes Dilemma: Faulkner's Trilogy* Coral Gables FL: U Miami P, 1968.

Watson, Jay. "Faulkner's Men At Law: Storytelling and Courtroom Drama." Ph.D. dissertation, Harvard University, 1989.

---. *Forensic Fictions: The Lawyer Figure in Faulkner*. Athens and London: U of Georgia P, 1993.

---. "'Hair,' 'Smoke,' and the Development of the Faulknerian Lawyer Character." *Mississippi Quarterly* 43.3 (Summer 1990): 349-66.

Weisberg, Richard H. "The Quest for Silence: Faulkner's Lawyer in a Comparative Setting." *Mississippi College Law Review* 4.2 (1984): 193-211.

---. *The Failure of the Word: The Protagonist as Lawyer in Modern Fiction*. New Haven: Yale U P, 1984.

Westling, Louise. *Sacred Groves and Ravaged Gardens: The Fiction of Eudora Welty, Carson McCullers, and Flannery O'Connor*. Athens: U Georgia P, 1985.

Wicke, Jennifer. "Postmodern Identities and the Politics of the (Legal) Subject." boundary 2 19.2 (1992): 10-33.

Wiegman, Robyn. American Anatomies: Theorizing Race and Gender. Durham: Duke UP, 1995.

Williamson, Joel. William Faulkner and Southern History. New York: Oxford U P, 1993.

Wolff, Morris. "Faulkner's Knowledge of the Law." Mississippi College Law Review 4.2 (1984): 245-64.

Wolin, Sheldon. "The Idea of the State in America." In The Problem of Authority in America. Ed. John P. Diggins and Mark E. Kann. Philadelphia: Temple U P, 1981.

Wyatt-Brown, Bertram. Honor and Violence in the Old South. New York: Oxford U P, 1986.